

Also, petition of Imperial Elevator Company, of Minneapolis, Minn., against H. R. 13477 (relative to furnishing list of names from post-offices)—to the Committee on the Post-Office and Post-Roads.

Also, petition of sundry citizens of Minneapolis, Minn., for bill to prohibit shipment of liquors into States with prohibition laws—to the Committee on the Judiciary.

By Mr. OLCOTT: Petition of North Side Board of Trade, for an annual appropriation bill for rivers and harbors—to the Committee on Rivers and Harbors.

Also, petition of mass meeting of the Poles of New York, against Polish exportation—to the Committee on Foreign Affairs.

By Mr. OVERSTREET: Petition of J. Cook, for the Littlefield bill—to the Committee on the Judiciary.

Also, petition of F. H. Watts, for alumni of Massachusetts Institute of Technology, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Chester Bradford, for H. R. 286 (Currier bill), for increase of salaries in the Patent Office—to the Committee on Patents.

Also, petition of Indianapolis Musicians' Protective Association, for H. R. 103 (Bartholdt bill)—to the Committee on Labor.

Also, petition of Indiana Automobile Company, for Federal registration of automobiles—to the Committee on Interstate and Foreign Commerce.

Also, petition of Richmond City Waterworks, for forest reservation in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. PADGETT: Paper to accompany bill for relief of heirs of Moab S. Smith—to the Committee on War Claims.

By Mr. PRINCE: Petition of John Wood Post, Grand Army of the Republic, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. PUJO: Paper to accompany bill for relief of Randle Horman—to the Committee on Claims.

Also, petition of board of directors of National Manufacturers' Association, for currency legislation—to the Committee on Banking and Currency.

By Mr. TOWNSEND: Petition of Beers Post, No. 140, Tecumseh, Mich., for the Sherwood pension bill (H. R. 7625)—to the Committee on Invalid Pensions.

Also, petition of citizens of Adrian and Blissfield, Mich., for restoration of motto "In God we trust"—to the Committee on Coinage, Weights, and Measures.

Also, petition of Michigan Association of Free Will Baptists, for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. SABATH: Petition of National Supreme Lodge of Jednoty Táboritu and National Supreme Lodge, C. S. P. S., both of St. Louis, Mo., against the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. SLEMP: Paper to accompany bill for relief of Isaac W. Airey—to the Committee on Claims.

By Mr. SMITH of Michigan: Petition of George D. Burden and 49 other members of Veteran Lodge, Independent Order of Good Templars, of Michigan Soldiers' Home, for prohibition law in the District of Columbia and Territories—to the Committee on the District of Columbia.

Also, petition of H. Wilson Burgan, of Maryland, for the Sims prohibition bill (H. R. 9086)—to the Committee on the District of Columbia.

By Mr. SULZER: Petition of American Institute of Electrical Engineers, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Local Union No. 6, International Typographical Union of North America, for repeal of duty on white paper, pulp, etc.—to the Committee on Ways and Means.

Also, petition of Blenker Veteran Association, Eighth Regiment, New York, for the Sherwood pension bill—to the Committee on Invalid Pensions.

Also, petition of New York Society Library, for S. 2900 and H. R. 11794, relative to copies of imported books free of duty—to the Committee on Ways and Means.

Also, petition of R. J. Anderson and others, for a minimum salary of \$3 per day and twenty-six days' vacation with pay for storekeepers and gaugers—to the Committee on Ways and Means.

Also, petition of M. A. Reise, for paragraph E of the copyright bill—to the Committee on Patents.

## SENATE.

WEDNESDAY, February 12, 1908.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

## LIST OF VESSELS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to law, a list of the names of certain vessels which will require general overhauling to the extent of \$200,000 or more during the fiscal year ending June 30, 1909, which, with the accompanying papers, was referred to the Committee on Naval Affairs and ordered to be printed.

## FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of D. W. Dorris v. United States; and

In the cause of Richard H. Turner, in his own right and as administrator of the estate of Eliza Turner, deceased, and Eliza Ann Turner v. United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Chamber of Commerce of New York City, N. Y., praying that an appropriation be made for the purchase of lands and buildings for the consular establishments in China, Japan, and Korea, which was referred to the Committee on Foreign Relations.

Mr. PLATT presented a petition of the Young Woman's Christian Temperance Union of Schenectady, N. Y., praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens on account of sex, which was referred to the Select Committee on Woman Suffrage.

He also presented memorials of sundry citizens of Albany, Buffalo, Gloversville, Little Falls, New York City, Syracuse, and Tompkinsville, all in the State of New York, remonstrating against the adoption of a certain amendment to the present copyright law relating to photographic reproductions, which were referred to the Committee on Patents.

He also presented petitions of sundry citizens of Norfolk and Portsmouth, in the State of Virginia, praying for the enactment of legislation providing for the construction of all battle ships in the Government navy-yards, which were referred to the Committee on Naval Affairs.

He also presented a memorial of James C. Rice Post, No. 29, Department of New York, Grand Army of the Republic, of New York City, N. Y., remonstrating against the enactment of legislation to abolish certain pension agencies in the United States, which was referred to the Committee on Pensions.

He also presented a petition of the International Reform Bureau of Washington, D. C., praying for the enactment of legislation to regulate the sale and importation of opium in the Philippine Islands, which was referred to the Committee on Finance.

He also presented a memorial of the National Board of Trade of Washington, D. C., remonstrating against the enactment of legislation providing for a discrimination against the immigration of Chinese and Japanese, which was referred to the Committee on Immigration.

Mr. CLARK of Wyoming presented the petition of John H. Ruff, of Wyoming, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers, which was referred to the Committee on Claims.

Mr. ANKENY presented a petition of the Chamber of Commerce of Olympia, Wash., praying that an appropriation be made for the construction of a public building in that city, which was referred to the Committee on Public Buildings and Grounds.

Mr. WARNER presented memorials of sundry organizations of St. Joseph and St. Louis, in the State of Missouri, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of the National Funeral Directors' Association of Norfolk, Va., praying for the enactment of

legislation to regulate the practice of throwing overboard the bodies of those who die at sea, which was referred to the Committee on Public Health and National Quarantine.

Mr. CULBERSON. I present a petition of the Anti-Imperialist League, signed by Moorfield Storey, president, and Erving Winslow, secretary, which I ask may be printed in the RECORD and referred to the Committee on the Philippines.

There being no objection, the petition was referred to the Committee on the Philippines and ordered to be printed in the RECORD, as follows:

*To the Congress of the United States:*

It is respectfully submitted that Philippine independence should be promised now by joint resolution.

A great majority of American publicists, including the President, have declared themselves unequivocally in favor of Philippine independence. Mr. Taft alone, while setting it before his countrymen as the goal toward which we must look, seems not to desire it.

He postpones the day for a generation at least, and when that time is gone he hopes that both countries will agree "that it would be mutually beneficial to continue a governmental relation between them like that between England and Australia." That is his hope, and so long as he can control our policy his object must be to realize that hope. As though it were possible for a country adapted only for the habitation of an alien race to hold a position toward a "parent nation" like that of a territory peopled and occupied by its own emigrants.

He prophesies "that during the next twenty-five years a development will take place in the agricultural and other business of the Philippine Islands which will be as remarkable in its benefits to the United States and the Philippine Islands as was the development of Alaska during the last ten or fifteen years."

He insists that "the presence of Americans in the islands is essential to the due development of the lower classes." He wants the American Government to remain in the islands "long enough to educate the entire people," which means an indefinite future when we consider how long it has taken to educate our own people. He thinks that "meantime they will be able to see and the American public will come to see the enormous material benefit to both, arising from the maintenance of some sort of a bond between the two countries." He insists that "the having such an outpost as the Philippines, making the United States an Asiatic power for the time, will be of immense benefit to its merchants and its trade." He recommends that "the present restrictions be removed as to the acquisition of mining claims and the holding of lands by corporations in the Philippines." He does not "think it improper, in order to secure support for the policy of the Administration, to point out the advantage to the United States of holding the islands." He wishes to attract American capital and to see American investments in railroads, mines, and plantations. He wishes, in a word, to plant as much American treasure in the islands as possible, to make it as much for American interests to retain the islands as possible, and, under cover of much vague talk about the benevolent purpose of the United States to fit the Filipinos for self-government, to pursue a policy which will create in America a strong sentiment against letting American investments pass under Filipino control. Everyone knows that the demands of capital have led the English Government and others to conquer and annex foreign territory, and no one can doubt that every American dollar planted in the Philippines will become an argument against their independence. Let Secretary Taft tell us in detail how these islands in twenty-five years are to become of such remarkable value to the United States—a value which could accrue only to a few exploiters, who would doubtless enforce a demand for imported contract labor, driving the natives to the wall and benefiting themselves at the expense of the domestic industries of the United States—let Mr. Taft elucidate his programme, fully, and it will be apparent that the process means the permanence of our hold upon the islands.

While this development was proceeding for the advantage of a few capitalists, the absolute responsibility of the United States for the defense of the archipelago would continue. In the changed attitude of affairs in the East, which Mr. Taft ignores, this responsibility implies immense outlays (of which the millions to be asked of the present Congress are only the small beginning) for fortifications and an indefinitely increased naval force.

If anyone doubts this let him observe that after the value of the islands to America has been demonstrated and the question of giving them their independence comes up for decision, the Secretary bids us note "that the tribunal to decide whether the proper political capacity exists to justify independence is Congress and not the Philippine electorate." \* \* \* The judgment of a people as to their own political capacity is not an unerring guide." Can anyone be so blind as not to see what Secretary Taft's policy is, and that it does not mean Philippine independence at all? Let the strong nation that finds the islands profitable decide whether to let them go? It is a bribed tribunal which will decide the question, and the policy of Secretary Taft is to create a situation which makes independence impossible. Secretary Taft may be right or wrong, but his real meaning is disguised by his talk of benevolence. In Lincoln's words "the inferior races are to be treated with as much allowance as they are capable of enjoying, as much is to be done for them as their condition will allow;" they are to become invaluable to the United States, and its Congress is to decide whether they shall be given their independence. Well did Lincoln say, "It is all the same old serpent."

Through their own self-government now lies the road to Filipino independence and advancement. In the words of Lincoln, addressed prophetically to Mr. Taft: "By your system you would always keep them ignorant and vicious."

In the words of President Roosevelt a year or two ago: "It is as true of a race as of an individual, that while outsiders can help to a certain degree, yet the real help must come in the shape of self-help." Men learn to be independent by being independent—by their own mistakes. To say that the object of our policy is to help the Filipinos to self-government and ultimate independence by making them as valuable to the United States as possible, and then to let the United States decide whether to give them independence, is "to keep the word of promise to our ear and break it to our hope." We assume the position of trustee for this nation, and unfit ourselves to discharge our trust impartially. The statesman who proposes this may deceive himself, but we must not let him deceive us.

It is for the interest of both countries that the Philippines be promised their independence now. To-day the United States can obtain without doubt from the powers, including Japan, a consent to the neutralization of the islands, a protection of their independence from foreign aggression. A few years hence that consent may not be obtained. The time is ripe for the passage of a joint resolution declaring our intention to grant the Filipinos absolute independence within a short term of years.

THE ANTI-IMPERIALIST LEAGUE,  
By MOORFIELD STOREY, President.  
ERVING WINSLOW, Secretary.

FEBRUARY 8, 1908.

Mr. GALLINGER presented sundry memorials of citizens of Lancaster, N. H., remonstrating against the adoption of a certain amendment to the copyright law relating to photographic reproductions, which were referred to the Committee on Patents.

He also presented petitions of sundry citizens of Colebrook and Franklin, in the State of New Hampshire, of Beaver Falls, Pa., and of Washington, D. C., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of sundry business men's associations of Portsmouth, Va., praying for the enactment of legislation providing that one of the two proposed new battle ships be built at the navy-yard at that city, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Board of Foreign Missions of the Methodist Episcopal Church, of New York City, N. Y., praying for the enactment of legislation to prohibit the importation and sale of opium within the jurisdiction of the United States, which was referred to the Committee on Finance.

Mr. BRIGGS presented a petition of the Ferracute Machine Company, of Bridgeton, N. J., praying for the establishment of a bureau of mines in the Department of the Interior, which was referred to the Committee on Mines and Mining.

He also presented a petition of the National Institute of Arts and Letters, of New York City, N. Y., praying for the repeal of the duty on works of art, which was referred to the Committee on Finance.

He also presented the petition of H. O. Bishop, of Perth Amboy, N. J., and a petition of Local Union No. 323, International Typographical Union, of Hoboken, N. J., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented memorials of sundry citizens of Morristown, N. J., and of New York City, N. Y., remonstrating against the passage of the so-called "Crumpacker bill" providing for the appointment of additional clerks for taking the Thirteenth Census, which were referred to the Committee on the Census.

He also presented a petition of the American Institute of Architects, of Newark, N. J., praying for the enactment of legislation providing for the location of the Grant Monument in Washington, D. C., and the adoption of the plans for the development of that city as laid down by L'Enfant, which was referred to the Committee on the District of Columbia.

He also presented the memorial of G. W. Lembeck, of Jersey City, N. J., remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Produce Exchange of New York City, N. Y., remonstrating against the enactment of legislation providing for the inspection of grain under Federal control, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Robert S. Sinclair, of Newark, N. J., praying for the enactment of legislation granting locations and rights of way for electric and other power purposes through the public lands and reservations of the United States, which was referred to the Committee on Public Lands.

He also presented the memorial of A. S. Taylor, of Closter, N. J., remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of the Gloucester County Medical Society, of Woodbury, N. J., praying for the enactment of legislation granting pensions to the widows of Dr. James Carroll and Dr. J. W. Lazear, which was referred to the Committee on Pensions.

He also presented a memorial of the Wholesale and Retail Hardware Joint Committee, of Fort Smith, Ark., and a memorial of the National Association of Retail Druggists, of Washington, D. C., remonstrating against the passage of the

so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of New Jersey, North Carolina, Ohio, Pennsylvania, Illinois, New York, Connecticut, and Colorado, praying for the enactment of legislation to refund the collateral-inheritance tax to the Stevens Institute of Technology, which were referred to the Committee on Finance.

Mr. WARREN presented a petition of Local Lodge No. 207, International Association of Machinists, of Evanston, Wyo., praying for the enactment of legislation providing for the construction of all battle ships in the Government navy-yards, which was referred to the Committee on Naval Affairs.

Mr. CULLOM presented petitions of sundry volunteer officers of the civil war of Carbondale, Dixon, Duquoin, Lagrange, Lawrenceville, and Cairo, all in the State of Illinois, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. McCUMBER presented a petition of sundry citizens of Rolette, N. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 148, International Brotherhood of Bookbinders, of Fargo, N. Dak., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Cooperstown, N. Dak., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

Mr. OWEN presented a memorial of the legislature of Oklahoma, which was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

GUTHRIE, OKLA., January 29, 1908.

I hereby certify that the within typewritten instrument is a true and correct copy of the "Memorial from the legislature of Oklahoma to the Congress of the United States, relating to the common schools in that portion of the State of Oklahoma formerly known as the 'Indian Territory,'" as passed by the house of representatives and the senate of the legislature of Oklahoma, and approved by the governor of Oklahoma this 29th day of January, 1908, and filed for record in this office.

[SEAL.]

BILL CROSS,  
Secretary of State.

MEMORIAL FROM THE LEGISLATURE OF OKLAHOMA TO THE CONGRESS OF THE UNITED STATES, RELATING TO THE COMMON SCHOOLS IN THAT PORTION OF THE STATE OF OKLAHOMA FORMERLY KNOWN AS THE INDIAN TERRITORY.

Whereas common school education is one of the most important subjects of our State policy and government; and

Whereas the constitution of the State of Oklahoma declares for absolute equality and affiliations between the Indian and white races, an essential feature of which begins with affiliation in childhood and in youth in the public schools, and it is therefore important that the Indian and white children should at all times and in all localities in the former Five Civilized Nations be associated equally in the public schools and in the higher educational institutions of the State; and

Whereas equality in taxation for the support of the common schools is essential in justice to all classes; and

Whereas for reasons and considerations heretofore deemed adequate and satisfactory to the Federal Government in the allotting of land in the portion of the State of Oklahoma heretofore known as "Indian Territory" and the surrender of the tribal forms of government in the Five Civilized Nations the Federal Government deemed it wise to withhold certain of the allottees' lands from local or State taxation for varying periods of years, to the extent that the local revenue for permanent school purposes are materially diminished; and

Whereas the policy of the Federal Government has been and is to draw upon the Indian funds of the Five Civilized Nations to aid in the education of the allottees of school age; and

Whereas in practically every neighborhood of the former Indian Territory the school children are of both classes (Indian and white); and

Whereas the school system heretofore prevailing in the portion of the State known as Oklahoma Territory was by the provisions of the statehood bill made operative throughout the entire State; and

Whereas it would be impractical as well as contrary to the school laws of Oklahoma Territory (now the law of the State of Oklahoma) not to apply said laws in the plan of districting, taxation, etc., to the entire State, to the end that uniformity of public school system may be attained; and

Whereas the former Indian Territory area has been districted by the authorities of the State of Oklahoma into public school districts: Therefore be it

Resolved, That so long as Indian funds and public money of the Federal Government is appropriated to the maintenance of public schools in the former Five Civilized Nations (outside of incorporated towns) that—

1. In order to secure uniformity in granting certificates, that the State provide for the addition to its State board of education of one member, to be nominated by the Secretary of the Interior.

2. That three members of the State board of examiners, examining applicants and granting certificates to teach common schools, may be nominated by the Secretary of the Interior, or his representative in charge of the common school interests of the Five Civilized Tribes.

3. That upon each board of county examiners in each of said counties in the former Five Civilized Nations, one member of the

board of county examiners, examining applicants and granting teachers' certificates, shall be appointed by said common school representative of the Interior Department.

4. Under the authority of the proper school officers of the State of Oklahoma, schools for the joint and equal attendance of the Indian allottees and white children in the same school shall be opened and maintained each year until the district tax levy and the per capita apportionment of State funds is exhausted; whereupon the superintendent representing the Interior Department shall take supervision and conduct said school by the expenditure of the allotment from the Indian fund and from the Government fund, appropriated from year to year, so as to provide, if possible, at least eight months' school in each year in every district.

5. That to maintain said schools the local authorities will levy the proper taxation upon all taxable property as authorized by law. The State of Oklahoma will apportion to every such district, according to the enumeration of all school children, the full per capita proportion of State school funds; that the Federal Government apportion to each such district where there are allottee pupils such amount of Indian national funds only as will equal the amount per capita derived from taxation and State funds and no more, believing that the Indian funds should not be drawn on (in justice to the Indians) for a per capita amount greater than their just proportion to the membership of school children in the district. And further, that Congress, in view of the withholding of said allotments of land as above stated from taxation, should appropriate from the public funds a sum total of \$2 per capita of the school children of all said districts (outside of incorporated towns) in the Five Civilized Nations for annual allowance.

6. For the purpose of permanently settling those questions of the conducting and maintenance of common schools without the uncertainty and disorganizing effect incident to uncertainty from year to year, and to the end that the Indian and white children may become thoroughly affiliated and to the end that the children of African descent may have their just opportunity for separate school facilities, we respectfully ask that Congress, in its wisdom it approve of the above plan, may adopt the same as hereafter operative so long as restrictions placed upon Indian lands shall relieve the same from local taxation for school purposes.

7. The governor will submit a certified copy hereof to the Secretary of the Interior and to both Houses of Congress without delay.

Above memorial passed the house of representatives by a unanimous vote on this the 29th day of January, 1908.

WM. H. MURRAY,

Speaker of the House of Representatives.

Passed by the Senate this the 29th day of January, 1908.

T. F. MEMMINGER,

Acting President.

Approved January 29, 1908.

C. N. HASKELL,

Governor of the State of Oklahoma.

Mr. OWEN presented a concurrent resolution of the legislature of Oklahoma, which was referred to the Committee on Commerce and was ordered to be printed in the RECORD, as follows:

GUTHRIE, OKLA., January 27, 1908.

I hereby certify that the within typewritten instrument is a true and correct copy of senate concurrent resolution No. 19, as passed by the senate and house of representatives of the legislature of Oklahoma, approved by C. N. Haskell, governor of Oklahoma, January 18, 1908, and filed in this office.

[SEAL.]

LEO MEYER,

Deputy Secretary of State.

Senate concurrent resolution 19.

Senate resolution memorializing the National Congress to enact legislation that will restore the rivers tributary to the Mississippi and the Arkansas River to navigable streams.

Be it resolved by the senate and the house of representatives, That the following memorial be adopted and transmitted to our Senators and Representatives in Congress for formal delivery to the President of the United States and the Senate and House of Representatives of the United States in Congress assembled, to wit:

MEMORIAL.

To the President of the United States and to the Senate and House of Representatives in Congress assembled.

GENTLEMEN: The senate and house of representatives representing the people of Oklahoma earnestly and respectfully call your attention to the importance of the Arkansas River as one of the great national highways prepared by nature for the internal commerce of the United States. The volume of water, especially from the mouth of the Verdigris and Grand rivers, forms a noble stream capable of a depth of 6 feet of water at all stages, which can be established at approximately the same cost as a double-track railroad along its banks. The importance of cheap transportation and the cost of water transportation being only one-tenth of railroad transportation, we do not discuss. The enlightened opinion of the United States has debated that question thoroughly, and the verdict has been rendered that the waterways of the United States shall be improved without delay.

We call your attention to important reports, copies of which are attached hereto, which demonstrate the fact that the Arkansas River has been navigated by the Government itself from the earliest history of the western settlements until railroad transportation caused the abandonment of river traffic.

Special reference is made to the report of—

Captain Aberts, Executive Document No. 295, House of Representatives, Forty-first Congress, second session, enumerating twenty steamboats on this stream, 1870.

Captain Taber in his report for 1885 and 1886, Executive Document No. 90, House of Representatives, Forty-ninth Congress, first session.

Captain Taber's report of January 31, 1887, House of Representatives Document 150, Fifty-sixth Congress, second session.

The report of Amos Stickney, lieutenant-colonel of engineers, estimates that the stream can be put in perfect condition from Muskogee to the Mississippi River, 288 miles, for \$26,077,200, and that the cost from the mouth of Grand River to Fort Smith would be \$5,226,225 for a 6-foot channel and abundant improvements.

Attention is called to the report of Lieutenant-Colonel Stickney, reported December, 1900, House of Representatives Document 150, Fifty-sixth Congress, second session.

In view of the enormous coal fields in Oklahoma contiguous to the Arkansas River and the greatest oil and gas field in the world in our State, it is of national importance as well as of State importance that the Arkansas River be immediately developed.

We therefore, on behalf of Oklahoma and on behalf of the entire tributary west, respectfully pray that a fund sufficient shall be provided, not only for the prompt development of the Mississippi River from the Lakes to the Gulf, but that the great branch of the Mississippi which penetrates our State shall be immediately provided for in a substantial manner.

The State of Oklahoma is in favor of the development of the waterways of the United States, and believes that an appropriation of not less than \$50,000,000 per annum should be devoted to this purpose.

We ask, therefore, that this be done, and that such part thereof shall be devoted to the improvement of the Arkansas as is justified by the flow of water of that great stream and the great commerce which is contiguous thereto or will be naturally tributary to the great transportation opportunities established on that river, and that not less than 25 per cent of the sum be expended upon the improvements within the State of Oklahoma.

We respectfully emphasize the generally conceded fact that the railroads of the country are inadequate to handle our present immense commerce. We emphasize the fact that the railroads are more suited to carry commerce of a perishable nature on which for other reasons a quicker and more expensive transportation is required, while the waterways of our country can be more judiciously used for heavier and cheap commodities.

We ask you, therefore, to give immediate vitality to the wish and need of the nation for the systematic development at once of our internal waterways, of which the Arkansas River is one of the most valuable and most important.

We submit also the following exhibits:

Memorial of Trans-Mississippi Commercial Congress, representing nineteen States and Territories, eighteenth annual session, Muskogee, Okla., signed by J. B. Case, of Abilene, Kans., chairman, and also by Arthur Francis, of Denver, Colo., secretary. (Exhibit A.)

Address by Capt. F. H. Nash, of Fort Gibson, Okla., before the Muskogee Commercial Club on December 5, 1907. (Exhibit B.)

Address by F. B. Severs before Muskogee Commercial Club. (Exhibit C.)

Letters from Arthur F. Francis, secretary Trans-Mississippi Commercial Congress, to Eck E. Brook, chairman of the international improvement and navigation committee. (Exhibit D.)

Letter dated December 28, 1907, from Senator Robert L. Owen to Hon. Eck E. Brook, chairman of committee on internal improvements and navigation. (Exhibit E.)

Letter bearing date of January 5, 1908, from Governor Charles N. Haskell to Hon. Eck E. Brook. (Exhibit F.)

Letter from CHARLES W. FAIRBANKS, bearing date of December 14, 1907, addressed to Hon. Arthur F. Francis, chairman Trans-Mississippi Commercial Congress. (Exhibit G.)

Letter from William Loeb, jr., secretary to the President, bearing date of December 19, 1907, addressed to Mr. Arthur F. Francis. (Exhibit H.)

Letter from THEODORE F. BURTON, chairman of Committee on Rivers and Harbors, House of Representatives, bearing date of December 21, 1907, addressed to Arthur F. Francis, secretary Trans-Mississippi Commercial Congress. (Exhibit I.)

Letter from F. H. Newell, director of United States Reclamation Service, bearing date December 12, 1907, addressed to Mr. Arthur F. Francis, secretary Trans-Mississippi Commercial Congress. (Exhibit J.)

Letter from C. L. Jackson, president Muskogee Commercial Club, addressed to Senator Eck E. Brook, chairman of committee on internal improvement and navigation. (Exhibit K.)

Letter from Charles E. Madison, president Muskogee One Hundred Thousand Club, addressed to Senator Eck E. Brook, chairman of committee on internal improvements and navigation. (Exhibit L.)

Whereas the Trans-Mississippi Commercial Congress at its eighteenth annual session, held November 22, 1907, at Muskogee, Okla., unanimously adopted a memorial, copy of which is hereunto attached, directing the attention of the General Government to the neglected condition of the Arkansas River, and urging immediate steps for the restoration of that river as a navigable stream; and

Whereas the Trans-Mississippi Commercial Congress as a potential body represented at its session at Muskogee all the States and Territories west of the Mississippi River, with an actual attendance of over 1,500 of the 3,000 delegates appointed; and

Whereas the memorial which was adopted by that representative body has been received by the President of the United States and forwarded by him to Hon. THEODORE E. BURTON, chairman of the Inland Waterways Commission, and also chairman of the Committee on Rivers and Harbors of the House of Representatives, a copy of which correspondence is attached: Therefore be it

*Resolved by the senate (the house concurring).* That the Congress of the United States be memorialized and earnestly urged to enact a law or make an appropriation that will carry into immediate effect the recommendations contained in this memorial, and that all of the exhibits hereunto attached become a part of said memorial, and that the same become a matter of record, and that Senators OWEN and GORE, together with each and every Representative in Congress from Oklahoma, be respectfully requested to cooperate to the fullest extent in securing for the Arkansas River the consideration to which it is justly entitled.

*Resolved.* That a duly certified copy of this memorial, immediately upon its passage by the senate and house and after its approval by the governor, be transmitted to Senators OWEN and GORE and the other Representatives in the National Congress from Oklahoma.

HENRY S. JOHNSTON,

President pro tempore of the Senate.

WM. H. MURRAY,

Speaker of the House.

Approved January 18, 1908.

C. N. HASKELL,

Governor of the State of Oklahoma.

EXHIBIT A.

A MEMORIAL OF THE OKLAHOMA LEGISLATURE OF JANUARY 27, 1908.

To the President of the United States, the Senate and House of Representatives, Washington, D. C.:

In conveying to you our greeting, we, the Trans-Mississippi Commercial Congress, representing nineteen States and the Territories, in

eighteenth annual session at Muskogee, Okla., take this method of directing your attention to the Arkansas River and earnestly presents to your careful consideration the fact that this stream which courses its way through Oklahoma has always been considered a navigable waterway, but for obvious reasons during her Territorial existence has been permitted to deteriorate until its commerce, once so important, has disappeared almost entirely from its surface.

Extracts from Government reports relating to the Arkansas River show that the Federal Government has for the past fifty years considered the river a navigable stream. This is corroborated by these reports, which in the aggregate cover about 500 pages, together with maps, plans, and complete estimates of the cost of river improvement. Special reference is made to Captain Abert's report, 1870, page 33, Executive Document No. 295, House of Representatives, Forty-first Congress, second session, which enumerates twenty steamboats, averaging 300 tons burthen, plying between Fort Gibson, Okla., Little Rock, Ark., New Orleans, La., Memphis, Tenn., St. Louis, Mo., and Cincinnati, Ohio, and gives \$5,000,000 annually as the volume of the Government freight alone received at Fort Gibson. Captain Taber, in his report for 1885, says of the expenditure on the Arkansas, that it has been of such practical value to navigation that accidents are practically unheard of, and the river, with the exception of several unimproved shoals, is in excellent navigable condition as high as Fort Gibson. Captain Taber, in this report, says:

"During the fiscal year ending June 30, 1885, \$28,702.79 was expended in the running expenses of these two boats and in their care, as their operations seemed to give, for this reason, the greatest relief possible, and the relief most needed. Too much can not be said in favor of the wisdom of making the last appropriation apply to the entire river and leaving it to the officer in charge to expend it as seemed most advisable. By this means a narrow channel was opened from the mouth of the river to Fort Gibson and navigation resumed at once, and this was afterwards widened as required, until at length a heavy line of packets was put on from Little Rock to the mouth, and the line that formerly plying on this reach was transferred to the reach above Little Rock. In February, 1885, the boats actually made their regular time by night, and on one occasion I traveled upon the heaviest snag boat from dark until nearly midnight, the pilot having no difficulty whatever, and this at a medium stage of water, too."

In all the reports there are statistics relative to the improvement of the Arkansas as high as Arkansas City, Kans. Captain Taber, in his report, January 23, 1886, says:

"There is no doubt that a 2-foot channel can be provided whenever the development of the country warrants it, and the river should be, for all purposes of law, rated as navigable to Wichita, Kans." (P. 2, Ex. Doc. No. 90, H. R., 49th Cong., 1st sess.)

In Captain Taber's report, submitted January 31, 1887, the following statement occurs:

"For over two years I have been engaged in personal conversation, as opportunity occurred, with old navigators of the river and old residents along the banks, and with my object concealed have received uniform testimony that in past years the Arkansas River flowed through a much narrower channel, and that then, but for the snags, no boats such as now navigate it had any difficulty in doing so. This testimony is universal." (P. 1386.)

In examination and survey of Arkansas River, House of Representatives Document 150, Fifty-sixth Congress, second session, report dated December 7, 1900, the following statement occurs:

"For a large part of the year all these depths (2 to 2.26 feet at mouth of Grand River) would be greater and the channels wider, and for short periods at long intervals they would be less." (P. 2.)

"Fort Gibson, on the Grand River, 2 miles above its mouth, has always been considered the head of navigation." (P. 5.)

"From an engineering point of view the board believes that the improvement of the river is feasible for open-river navigation from its mouth to the mouth of the Grand River." (P. 22.)

The following report is signed by Amos Stickney, lieutenant-colonel, engineers, United States Army:

"From the mouth of the Grand River, opposite the Muskogee Hyde Park landing to Little Rock, the distance is 288 miles, and the board that reported December 6, 1900, states that it will require but \$26,677,200 for improvements, and from the mouth of the Grand River to Fort Smith, according to John Wilson, brigadier-general, Chief of Engineers, United States Army, the cost will be \$5,226,225, with a channel depth of 6 feet. This will be permanent improvement.

"Up to this date the total amount expended on the Arkansas River by the Federal Government reaches the sum of \$744,253.74."

The report of Amos Stickney, lieutenant-colonel of engineers, submitted December, 1900 (H. Doc. No. 150, 56th Cong., 2d sess.), gives full and complete estimates. This report says, pages 2 and 3:

"From Grand River to Little Rock: The board is of opinion that open-river channels can be obtained in this section, although they would necessarily be small and in the upper part of the reach very shallow during low-water seasons and of doubtful utility at such times. The plan presented for improvement for open-river navigation contemplates the probable attainment of channels 300 feet in surface width, with mean depth at ordinary low water of 4.5 to 5 feet at Little Rock, 4 to 4.5 feet at Dardanelle, 3 to 3.5 feet at Fort Smith, and 2 to 2.25 feet at mouth of Grand River. For a large part of the year all of these depths would be greater and the channels wider, and for short periods at long intervals they would be less. The estimates of cost, by reaches, are as follows:

Little Rock to Dardanelle (38 miles)-----	\$4,468,825
Dardanelle to Fort Smith (106.3 miles)-----	5,585,875
Fort Smith to mouth of Grand River (93.1 miles)-----	5,226,225
Total -----	15,280,925

"The board states that a channel depth of 6 feet can be obtained in this section by the construction of thirty-three locks and dams, estimated to cost, including bank protection, \$26,677,200, and that careful surveys would be required for the definite location of the various works, whether the method of improvement be by open-channel work or by the slack-water system.

"From Little Rock to the mouth of the river: It is the opinion of the board that the construction and maintenance of locks and dams in this section would be hazardous and very costly; that any improvement made should be for open-river navigation, and that by the latter method channels can be obtained of not less than 300 feet in width with a mean depth of about 5 feet and a central depth of about 7 feet in ordinary low water. For a large part of the year such channels would be

wider and deeper. The estimates of cost, by reaches, for open-river navigation are as follows:

Mouth to Pine Bluff (108 miles)	\$6,213,475
Pine Bluff to Little Rock (66 miles)	3,769,000
Total	9,982,475
Add to this the estimated cost of improvement from Grand River to Little Rock, viz	15,280,925

Grand total of cost for open-river improvement..... 25,263,400

"In addition to the complete formation and maintenance of channels the constant removal, at least for many years, of the snags formed by the enormous quantity of drift that passes down the river would be absolutely necessary for the safety of navigation. For this purpose a properly equipped light-draft steel-hull snag boat should be provided, at a cost estimated at \$75,000, and provision made for its operation and maintenance, estimated to cost \$25,000 per year.

"It is the opinion of the board that any work on improvement should be done in reaches of continuous work, beginning with the work in each reach at the head of said reach, and it emphasized the statement that satisfactory results and economy in cost can not be obtained except by continuous work, the estimates being based upon such method and upon provision of funds by yearly appropriations of sufficient magnitude to keep a working plant in continuous operation.

"Attention is respectfully invited to the statement by the board in regard to the usefulness of the improvement to navigation and its relation and value to commerce."

It is our purpose in the details narrated to emphasize the fact that the present neglected condition of the Arkansas River, especially upon the upper reaches through Oklahoma, is not a natural condition, and that it is the plain duty of the Government to restore this stream as a commercial artery and make it a blessing to the million and a half people of this State and the people of the other populous sections in other States to which it is tributary.

In view of the fact that an Inland Waterways Commission has been created and in view of the fact that the Administration has given utterance to a broad policy of international improvement, we take this method of submitting to your attention the ancient claims of the Arkansas River, trusting that speedy means will be taken to restore that historic stream to her old-time prestige as a commercial highway.

By order of the executive committee.  
J. B. CASE, Abilene, Kans., Chairman.  
ARTHUR F. FRANCIS, Denver, Colo.,  
Secretary of the Congress.

#### EXHIBIT B.

ADDRESS DELIVERED BY F. H. NASH, FORT GIBSON, BEFORE THE MUSKOGEE COMMERCIAL CLUB, DECEMBER 5, 1907.

Responding to your invitation to meet with you and give you some of my experiences of an early day in this country, I am with you this evening, and hope I may be able to interest you for a little while.

I came to this country at an early day and on a steamboat. I left New Orleans, La., my native city, in May, 1853, then in my sixteenth year, to join my father at Van Buren, Ark., where he had been about eighteen months as bookkeeper for the old and well-known firm of P. Pennyweight & Co. My advent was made on the stern-wheeler *Arkansas*. After a trip of eight days was landed in Van Buren. The trip was full of excitement to me, never having been very far from home before. Pine Bluff was a small village; Little Rock could hardly be called a city. Dardanelle, Norristown, and Spaden were all small villages. No railroads west of the Mississippi; steamboating was the only mode of travel. The whistle of a steamboat brought the whole country to the river banks. They made frequent stops, taking on and putting off passengers and freight. Then, too, we had to stop very often for wood, the only fuel used. No one in those days was aware of the immense store of coal awaiting to be discovered. The river was in good condition and we had no trouble. Remember this was in May. After spending about two months with my father, nothing to do except to enjoy myself fishing and hunting, concluded to seek work of some kind, and requested my father's assistance. He succeeded in getting me a position as clerk to Mr. William P. Denckla (who, after the civil war, was the first president of the Little Rock and Fort Smith Railroad), sutler for the army at Fort Gibson, Ind. T. Fort Gibson was at that time headquarters for the Seventh United States Infantry, with a regimental band, and was garrisoned by B, D, and E Companies, officers and men numbering about 300. You will see by this that a good many supplies were necessary. There was a comparatively good road over the mountains to Fort Smith, 58 miles distant (the present road by rail is 70 miles), kept in repair by the Government and used for transporting supplies when there was no navigation. Very few wagons were used, our principal mode of traveling being horseback, with a pair of saddlebags to carry our belongings.

The river in those days was navigable from January or February to July or August. The Government, as well as private individuals, took advantage of the early waters, as there was generally some of it navigable by larger boats, and got their supplies for the year, for fear of drought, which meant a low river. All steamboat men counted, however, on what they called a June rise, the melting of snow in the mountains from rains and slush. They were seldom mistaken. A great deal of the late heavy water is now diverted for irrigation purposes.

I left Van Buren on the 4th day of July, 1853, to go to what has been ever since my home—Fort Gibson. Got as far as Webbers Falls and had to return to Van Buren. On the 2d day of August I made another start and was again stopped at Webbers Falls. The town is named after the falls just above it, which consists of a bridge of rocks all the way across the river, obstructing the channel. Remove these rocks out of the channel and one of the main obstructions of what has always been called the upper river will be out of the way. Our steamboat unloaded its cargo here and again turned back. I remained, hired a horse and a guide, and on the evening of the 4th of August arrived in Fort Gibson pretty tired. There was not enough water the rest of the season for boats on account of the obstruction spoken of and one or two others of the same nature. I do not remember of but one drought which affected the river sufficiently to prevent boats from navigating it from January to August, and that was in 1857 or 1859, for a period of fifteen or eighteen months. The Arkansas from its mouth up is extremely low. We hauled goods from all points on the river where they had been left by steamboats, at one time hauling from Little Rock. A good deal of this, even then, could have been avoided, if the Government had given any assistance at all to our western rivers. Like our dirt roads, the rivers need work, the nature of the banks, the freshets, all tend to make obstructions; a snag, a tree, or

log off of a caving bank will lodge in the channel, catch drift and sand; no one to remove the snag, consequently the next boat has to make a new channel, and, unless in very high water, tie up at a bank all night and wait for daylight.

There were a great many boats in the river then, a good many Memphis packets which seldom got above Fort Smith. I remember the names of a few of our regular boats. There was the *Thomas P. Ray*, *Pennyweight No. 1* and *No. 2*, *Arkansas*, *Arkansaw*, *Upre No. 2* and *No. 3*, *Tahlequah*, *Young America*, *Thirty-fifth Parallel*, *Exporter*, and *Importer*. These were all stern-wheel boats, except the *Thirty-fifth Parallel* which was a side-wheeler, built by Fort Smith capital and named by its owners after the city, which was, as the citizens claimed, to be the great thoroughfare for the West. Of the captains or pilots I can call to mind but a few. So many things have occurred since, so many new faces and names to remember. I remember Capt. William Nowland, Ed. Nowland, Eugene Smith, Jim Bowlin, and Williams. The Nowlands and Smiths were residents of Fort Smith, almost lived on the river, and knew what was called the "upper river," Fort Smith to Fort Gibson, by heart. The others spent most of their time in lower river. I have spent many a day with them in the pilot house and sparring over sand bars. I have not heard of them for several years. Capt. Ed. Nowland and Smith were in Memphis the last I knew of them. Capt. William Nowland was blown up on a steamboat not a great many years ago. Captain Williams carried out of the Arkansas River the largest load of cotton on record, being 5,000 bales, and was presented with a silver service by the commission men of New Orleans. What was done then can more than be done now. I believe, to a certain extent, the river above the mouth of the Grand and Verdigris rivers may be affected by irrigating in Colorado, but this can more than be made good by the constant use of a snag boat to remove obstructions in the channel and keeping it open. One or two regular boats ply the river and keep the water in motion; using these channels will prevent sand from filling them up. Another obstruction which gives trouble at a low stage is a ledge of rock at Frozen Rock, which can also be removed with a little dynamite.

I see by a recent Muskogee paper that the Frisco Railway was considering the feasibility of putting in a trolley system to Frozen Rock sufficient to transport passengers and freight and endeavor to make this the head of navigation in order to avoid raising their bridge and making a drawbridge of it. This will be objected to and resisted. Fort Gibson is the head of navigation, so laid down on maps in Washington City, and, then, too, you want Hyde Park for your landing. One more obstruction just below the Frisco bridge can be remedied with very little work, and that is an old ford called the "Rabbit Ford," with Frozen Rock out of the way this will be a small item. I have made a good many trips from Fort Gibson to St. Louis and New Orleans and returned on steamboats, and hope to see the day when I can do it again. The railroads can not handle the products of this country as they once could. We are growing faster than the railroads are. Our cotton, corn, and potato interests are such that we need water transportation, to say nothing of the coal and oil interests, which are increasing daily. Tobacco can be raised here. I have seen it shipped. We are now a State. We will soon have farmers from all points of the United States. We should get ready for them. It used to be that boats could or did run to Fort Smith when they could not or did not run to Fort Gibson. There were two or three reasons for this. Fort Smith and Van Buren and interior towns had a good deal of freight. There was a good deal of cotton to ship out. This portion of the country in those days raised no cotton. We did not have the farmers. The two or three obstructions mentioned and the caving in of the banks—the consequence was the river not being used much, the channels were not kept open.

Not many years ago the Government put a snag boat in our river for a short time, and we had a little boat called the *Border City* and another, the *Fort Smith*, which came to see us a few times. I trust the present effort being made will be more successful, and that we will see the grand old times again, when as many as three boats and of good size have been tied up at our landing at the same time. The merchants want the freight now that the Government required then. Hyde Park will be your landing, as the Nivins Ferry landing was then for the Creek country, when Mr. Patterson, William Whitefield, and J. McCoody used to do business at the old Creek Agency 3 or 4 miles west of Muskogee. Fort Gibson then received goods from Tahlequah and the Cherokee Agency, which was 6 or 8 miles east of Fort Gibson. We also shipped large quantities of pecans, furs, and dry hides, which would have been lost to the country had it not been for the river. It is not necessary to say much about Grand River, the beautiful stream upon which Fort Gibson is located; you drink its water every day. Our honored governor spoke of it at the convention just closed in your city. Steamboat men in old times sung its praises, and they nearly always knew when the rise was out of Grand River. It has the swift current of any western river and supplies its full quota to the Arkansas. In the near future we believe the dam so long spoken of will be constructed and Grand River will furnish light and power, too.

F. N. NASH.

#### EXHIBIT C.

ADDRESS BY CAPT. F. B. SEVERS.

I came to Fort Gibson, Ind. T., from Washington County, Ark., in the spring of 1852 and remained at Fort Gibson three years. While there I was in the employ of W. C. Dixon, who was at that time engaged in the mercantile business at Fort Gibson. He was a large dealer in general merchandise. In those days Mr. Dixon had all of his goods shipped from New Orleans and other points up the Arkansas River by boat. At that time Fort Gibson was quite a military post, both cavalry and infantry; used a great many supplies, which were all brought up the Arkansas River.

After remaining at Fort Gibson three years, I came across into the Creek Nation and embarked in the mercantile business, and I recollect very well the first stock of goods I ever brought from St. Louis. I had them shipped by boat and delivered at the mouth of Grand River, which was then known as Nivens Landing. I had several shipments made by boat and hauled from Nivens Landing to a point on Deep Fork near Okmulgee, known as Sheldonsville, by ox team, and would reload these teams with pecans and hides to be taken back to Nivens Landing to be sent from there by boat to St. Louis. One shipment I made which I remember in particular consisted of 3,000 bushels of pecans, which went on boat from this point. And hide buyers and pecan buyers in those days usually sent their goods by boat.

I remember in particular several of the boats which plied the Arkansas River in those days. One in particular was the *P. H. White*, owned by Mr. P. H. White, a large wholesale dealer at Van Buren, Ark. Another boat was named *Van Buren*, after the city of that name. The

Fort Smith used to make regular weekly trips. The *Little Rock* and the *Thomas P. Ray* also plied the Arkansas River in those times. All of these boats that I have mentioned were good-sized stern-wheel boats. The largest boat that I can recollect at this time ever coming up the Grand River from its mouth, known as Nivens Landing, known now as Hyde Park, was the *Alabama*, loaded down to the guard with military supplies for the post. This boat was a side-wheel boat. She came out nearly every year at a good stage of water. She was a boat that ran the Alabama River and was used principally on that river as a cotton boat. She was a fine boat, well finished inside, equipped with the modern improvements, including a fine bar, which was quite a sight to the people of this western country at that day.

I hope you will be successful in your great undertaking in opening up the waterways of the great West.

Sincerely,

FREDERICK B. SEEVERS.

EXHIBIT D.

TRANS-MISSISSIPPI COMMERCIAL CONGRESS.

MUSKOGEE, December 28, 1907.

DEAR SIR: In conformity with instructions from the Trans-Mississippi Commercial Congress I inclose you a memorial upon the Arkansas River, urging immediate action upon the part of the National Government looking toward speedy improvement and the ultimate restoration of that river as a navigable stream.

In this connection I beg to state for your information that in conformity with instructions the inclosed memorial has been sent to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives. Copies were also sent to Hon. F. H. Newell, the member of the Inland Waterways Commission who represented the Commission at our Congress. I would also direct your attention to the fact that in response to the letter which went to President Roosevelt from this office the memorial not only received the personal attention of Mr. Roosevelt, but was sent by him to Hon. THEODORE E. BURTON, who is not only chairman of the Inland Waterways Commission, but is also chairman of the Committee on Rivers and Harbors. The correspondence in this matter I herewith attach.

It is hardly necessary for me to call your attention to the very great importance which this matter bears to Oklahoma and to direct your attention to the opportune time which is now presented to have this matter forcefully presented in the National Congress. It may, however, be necessary for me to explain to you that the organization which adopted this memorial represents all of the States west of the Mississippi River. At the meeting held in Muskogee, in November, out of 3,000 delegates appointed by the various governors, mayors, and commercial bodies over 1,500 were in actual attendance. Every State and Territory was represented by delegates of high standing. It is therefore not too much to assume that behind this memorial is the voting strength of every State without regard to political alignment. Oklahoma and Arkansas united on this proposition and, supported by the delegates from the Trans-Mississippi States, the opportunity afforded for speedy and satisfactory action in this matter will no doubt appeal strongly to you. At any rate, the executive committee of the congress felt that if the legislature of Oklahoma will place itself squarely in support of this proposition, its action will assist materially in obtaining for the Arkansas River the recognition which has so long been denied, owing to a Territorial form of government dwarfing its natural advantages. Permit me also to state for your information that this matter will be presented to Congress by our Congressional committee, and in addition thereto the printed report of our proceedings will give this subject thorough attention, which report will be ready for distribution in a few days and will be forwarded to every Senator and Representative in Congress for perusal.

Trusting that you will dispose of this matter at your earliest convenience and advise this office promptly of the result, I am,

Yours, truly,

ARTHUR F. FRANCIS,  
Secretary of the Congress.

Hon. ECK E. BROOK,  
Chairman Committee on Internal Improvements  
and Navigation, Guthrie, Okla.

EXHIBIT E.

MUSKOGEE, OKLA., December 28, 1907.

Hon. E. E. BROOK,  
Chairman Committee on Internal Improvements  
and Navigation, Guthrie, Okla.

MY DEAR SENATOR: In answer to your inquiry with regard to the practicability of the navigation of the Arkansas River and the possibility of the Federal support, I have to say:

First, that the navigability of the Arkansas has been absolutely demonstrated beyond possibility of doubt by the best of all evidence, continued successful navigation through a period of years. In the early settlement of the West, the United States Government had established lines of commerce on the Arkansas up to the mouth of Grand River, and the only reason for its rapid decadence was the building of railroads and the ability of the railroads to destroy water competition by the methods which we all so well understand.

I am the president of the Muskogee-Oklahoma Packet Company, and we have ordered a new steamer to ply these waters from Muskogee to the Mississippi, and of course our people would not be building this boat unless they had thoroughly examined the question as to the navigability of the stream even without any improvements thereon.

A 6-foot channel can be easily established in the Arkansas, and it could be made a great highway of commerce at a less cost than a double-track railway along its banks.

I think if the Government would take advantage of our natural gas fields and our wonderful deposits of Portland cement and producing quarries, most excellent hydraulic cement can be made in Oklahoma at a cost of less than 50 cents a barrel; that concrete piles could be sunk in the sand bars of the Arkansas by gravity and pile drivers which would control this channel permanently at a very low cost.

I am glad to know that the legislature takes a deep interest in this matter, and should rejoice to cooperate in helping to develop this great commercial highway which I plainly see on the Arkansas River.

The prompt action contemplated by the legislature is a source of great satisfaction to me.

Yours, very respectfully,

ROBT. L. OWEN.

EXHIBIT F.

Hon. ECK E. BROOK,  
Chairman Committee on Internal Improvements  
and Navigation, Guthrie, Okla.

MY DEAR SIR: Transportation is the vital question back of the prosperity of every State and Territory in the Union, and water transportation is never to be lost where it is possible to obtain it.

Water transportation has two leading features:

First, it is the cheapest known method of transportation. Scarcely a railroad in the United States reports the actual costs of transporting a ton of freight 1 mile as low as 2 mills, and most of the roads find it impossible to approximate that amount, where water transportation average throughout a shipping season is found to be conducted at an actual cost of even less than seven-tenths of 1 mill per ton per mile, per ton per mile.

The other important feature is that the waterways are above the possibility of monopoly; they are open to the world. They furnish the highway upon which all boats may ride at will, and the ownership of a boat, at the cost of a few thousands dollars, is means of competition always open to the shippers of freight.

Waterways are the God-given opportunity for the people to forever insure themselves against the oppression of monopolizing artificial means of transportation.

A water-rate point anywhere within the borders of the State of Oklahoma is a perpetual blessing to every point within the State.

Give us a water-rate point within the borders of Oklahoma, and the corporation commission can protect the people through the control of rates within the State based on the water rate to the outside world.

The Arkansas River has been reported by the Engineers of the United States as practical for open-river navigation to the mouth of the Grand, and for slack-water navigation above the mouth of the Grand even to the mouth of the Cimarron. Many people are prone to imagine that the State derives no benefit from its navigable rivers except the immediate locality. This is not true, and a student of freight rates will readily say, Give us a water-rate point within the State and a corporation commission empowered to control rates within the State, and the whole people of the State are bound to be benefited by this rate-making influence.

These same superficial critics may say "the Arkansas River is impracticable to navigate," yet those who have carefully studied the question and know of its earlier navigation, and who know that the captains and pilots of those days assure us that since the danger from snags and drift matter in earlier days has been minimized by the clearing of the forests of the bottom lands, navigation of the Arkansas River is more practicable to-day than it was when the channel was filled with snags and fallen timber.

Again, we are told that \$82,000,000 of Government money was spent on improving the Monongahela River above Pittsburg. The Arkansas River opposite Fort Gibson is more practicable of improvement than any part of the Monongahela. One-fourth of the money spent on the Monongahela, creating slack-water navigation, would make the second section of the Arkansas River a better slack-water proposition, and less than that amount would open the first section of the Arkansas (460 miles from the Mississippi to the Grand) for open-river navigation.

Again, the improvement of the Trinity River from the city of Dallas to its mouth involves a descent of 511 feet, and the Trinity in its unimproved condition has never been recognized as comparing favorably in any sense of the word with the Arkansas, and yet the Trinity is being improved and will in time be profitably navigated and will yield benefits to the people of Texas beyond the most enthusiastic expectations of those who have worked to secure the improvement.

No State can afford to neglect the opportunity to bring the steamboat within its borders. Oklahoma is the natural location for extensive manufacturing interests, as well as for vast agricultural productions, and cheap transportation is indispensable to success in manufacturing and in agriculture and is the spirit of general commerce.

Let Congress give the Arkansas one-third the money it has profitably spent upon the Monongahela, and we will forever have water rates to the mouth of the Grand. Give us another one-third of that same sum, and perpetual water transportation by fewer dams of simpler construction than those built on the Monongahela will extend permanent navigation to the mouth of the Cimarron, and no better investment of a similar sum of money could be made for the welfare of our entire State.

For the people of any other locality in Oklahoma to oppose the improvement of the Arkansas River because their town is not immediately upon its banks would be absurd, narrow-minded, as foolish as it would be for Syracuse, N. Y., to fight the improvement to the harbor at New York City, which harbor has made the whole State of New York untold millions and given that State the title of the Empire State, when in fact the State of New York itself but for its commerce would be of minor consequence. The ocean harbor at the southeast and the land harbor at the northwest are the life and the commerce of that great State, and the Arkansas can be made the vital artery in the commerce and prosperity of Oklahoma.

C. N. HASKELL, Governor.

THE VICE-PRESIDENT'S CHAMBER.

WASHINGTON, December 14, 1907.

DEAR MR. FRANCIS: I have the honor to acknowledge receipt of your letters of the 10th instant, transmitting copy of the recommendations adopted by the Trans-Mississippi Commercial Congress at its eighteenth annual meeting, held in Muskogee, and to say that the same will be laid before the Senate in accordance with your request.

Very truly, yours,

CHAS. W. FAIRBANKS.

Hon. ARTHUR F. FRANCIS, Cripple Creek, Colo.

THE WHITE HOUSE,  
Washington, December 19, 1907.

MY DEAR SIR: Your letter of the 17th instant, with inclosure concerning the matter of restoring the Arkansas River as a commercial artery, has been received and will be called to the attention of the President.

Very truly, yours,

WM. M. LOEB,  
Secretary to the President.

Mr. ARTHUR F. FRANCIS,  
Trans-Mississippi Commercial Congress, Muskogee, Okla.

COMMITTEE ON RIVERS AND HARBORS,  
HOUSE OF REPRESENTATIVES, UNITED STATES,  
Washington, D. C., December 21, 1907.

ARTHUR F. FRANCIS,  
Secretary Trans-Mississippi Commercial Congress,  
Cripple Creek, Colo.

MY DEAR SIR: The President has referred to me your note, transmitting resolutions of recent date relating to the improvement of the Arkansas River. The same will receive attention.

Very respectfully,

T. E. BURTON.

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
Washington, D. C., December 12, 1907.

Mr. ARTHUR F. FRANCIS,  
Secretary Trans-Mississippi Commercial Congress,  
Muskogee, Okla.

DEAR SIR: Your letter of December 7 has been received, with certified copy of resolution passed at Muskogee. I am glad to have this for reference, and will do all I can to assist in making effective the desires of the Trans-Mississippi Commercial Congress.

I wish to thank you for the promise of an early copy of the official record, as I think this will be of considerable value in discussion of the matter.

Very truly, yours,

F. H. NEWELL, Director.

EXHIBIT J.

MUSKOGEE, OKLA., January 4, 1908.

Senator ECK E. BROOK,  
Care Lone Hotel, Guthrie, Okla.

DEAR SIR: I am glad to know that you have introduced a joint resolution favoring the appropriation by the National Government of a sufficient sum of money to improve to its fullest degree the Arkansas River for navigation purposes.

Many of the members of the legislature may not know that about a century ago the Government located Fort Gibson, about 7 miles north of Muskogee, on the east bank of the Grand River, because it was readily accessible by steamboats, and for about seventy years Fort Gibson was the Government's point of distribution of its supplies for nearly all of the great southwestern posts. This condition continued until the first railroad to build a bridge over the Arkansas River crossed same just above where the Grand River empties into the Arkansas River, and the construction of this and other roads made the distance from points on these roads to the frontier posts much shorter than from Fort Gibson, making it impracticable to continue wagon travel from Fort Gibson to these frontier posts, and in 1872 navigation on the river began to decline and the Government ceased to pay much attention to the river, and for the past forty-odd years it has taken care of itself.

The increase of population in this new State is such that it renders imperative the improvement of the Arkansas River into and through our State. It will not be a local proposition, but will be a proposition of State-wide importance. It is the only river which enters this State which can be rendered susceptible of navigation. In 1870 the Government reports showed that there were more than twenty steamboats running from New Orleans, Cincinnati, and St. Louis up to Fort Gibson. If the traffic then would justify twenty boats, the traffic now would justify ten times that number if the river was in condition to permit of its being used for navigation.

The Government reports show that a 6-foot channel can be maintained by the Government and that the same is practicable. Therefore the Government should be called upon to appropriate sufficient money to create this 6-foot channel, not in later years, but now. A year or so ago there was a small amount of money appropriated for the improvement of the Arkansas River, and it was provided in the appropriation bill that all of it should be spent in the State of Arkansas. Your resolution should demand of the Federal Government that it appropriate money for the improvement of the Arkansas River, and provide that at least 25 per cent of the sum appropriated should be spent within the limits of the State of Oklahoma.

Trusting that you will succeed in having this joint resolution unanimously adopted, and that we will all succeed in our work in this river improvement, I am,

Very respectfully,

CLIFFORD L. JACKSON,  
President Muskogee Commercial Club.

THE MUSKOGEE OIL REFINING COMPANY,  
Muskogee, Okla., January 1, 1908.

Hon. ECK E. BROOK,  
Chairman Committee on Internal Improvements and  
Navigation, Senate Chamber, Guthrie, Okla.

MY DEAR SENATOR: On behalf of the One Hundred Thousand Club and the good citizens of this section of the State who are vitally interested in the navigation of our one great waterway, as must, indeed, all good citizens of Oklahoma be interested in the furtherance of navigation and improvement of this great artery of commerce, I beg to use your valued influence and best efforts in urging the immediate action of our legislature in preparing a memorial to the National Congress, requesting immediate assistance in the way of a substantial appropriation for the improvement of navigation on the Arkansas River.

The Arkansas River has for the past seventy years been by the Federal Government considered a navigable river from its mouth to the mouth of the Grand River. Four complete surveys and exhaustive reports have been made on this subject. In 1870 Capt. S. T. Abert being the engineer in charge; again in 1885 an exhaustive report was made by Capt. H. S. Taber; another exhaustive report was made by the same author in 1887; in December, 1900, Lieutenant-colonel of engineers, U. S. Army, Amos Stickney, published a most exhaustive report, and the last and final report, not yet published, being made by the honorable Board of Army Engineers appointed this last spring by President Roosevelt, so I take it we are not in the need of any further examinations or reports on the feasibility of navigation on the Arkansas, but what we want is a substantial appropriation for the immediate commencement of actual improvement.

Pending the time when the more substantial improvements that will be necessary in order to secure year-around navigation, or greater draught, we should demand, and Congress should grant, the service of snag boats and dredge boats to the end that this great new State may avail herself of this great natural artery of commerce by making it

possible during at least eight or nine months of the year for us to move our coal and oil and corn and cotton to the marts of the world independent of railway systems.

If you will go back to Captain Abert's report (Ex. Doc. No. 295, H. R. 41st Cong., 2d sess.) you will find the following statement: "Twenty steamboats, averaging 300 tons burden, now ply between Fort Smith, Little Rock, New Orleans, Memphis, St. Louis, and Cincinnati. The amount of up-and-down river trade received and shipped at Fort Smith is about 25,000 tons annually, exclusive of Government freight." "The Government freight received at the same point amounts to about \$5,000,000 annually."

Mr. HEMENWAY presented a petition of the congregation of the Grace Methodist Episcopal Church, of Hartford City, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 286, International Typographical Union, of Marion, Ind., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented sundry petitions of citizens of Indianapolis, Ind., praying for the enactment of legislation to promote the efficiency of the militia, which were referred to the Committee on Military Affairs.

Mr. SIMMONS presented a petition of the Chamber of Commerce of Wilmington, N. C., praying that an appropriation be made for the improvement of Fort Caswell, in that State, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Asheboro, N. C., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. HOPKINS presented a petition of the executive committee of the National Business League of America, praying for the transfer of the Consular Bureau from the Department of State to the Department of Commerce and Labor, which was referred to the Committee on Foreign Relations.

Mr. CURTIS presented a petition of sundry citizens of Atchison, Kans., remonstrating against the repeal of the present anti-liquor law, which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Waverly, Kans., remonstrating against the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of Local Union No. 121, Typographical Union, of Topeka, Kans., and a petition of Local Union No. 243, Typographical Union, of Hutchinson, Kans., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. LONG presented a petition of Local Union No. 481, Typographical Union, of Iola, Kans., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented sundry petitions of the Woman's Christian Temperance Union and sundry other organizations of Brownell, Howard, Moundvalley, Geneseo, Kendall, Columbus, Iola, Concordia, Waverly, and Niotaze, all in the State of Kansas, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. CLAPP presented a petition of sundry citizens of Minneapolis, Minn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Commercial Club, of Hendricks, Minn., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER presented a petition of the American National Live Stock Association, of Denver, Colo., praying for the enactment of legislation to create a nonpartisan tariff commission, which was referred to the Committee on Finance.

#### REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the petition of the Woman's Interdenominational Missionary Union of the District of Columbia, praying for the enactment of legislation to prohibit the sale and importation of opium throughout the States and Territories and possessions of the United States, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance, which was agreed to.

Mr. FLINT, from the Committee on Education and Labor, to

whom was referred the bill (S. 48) to reimburse depositors of the late Freedmen's Savings and Trust Company, reported it with an amendment and submitted a report thereon.

Mr. BROWN, from the Committee on Indian Affairs, to whom was referred the bill (S. 4549) to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to the directors of school district No. 36, in Knox County, Nebr., reported it without amendment and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report, accompanied by a bill (S. 5254) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 13. Nathan H. Tyler;  
S. 56. Chase M. Swain;  
S. 195. Rebecca Kraus;  
S. 200. Joseph Logsdon;  
S. 201. Isaac Wharton;  
S. 210. Gilbert A. Jordan;  
S. 397. Edward C. Gearey;  
S. 577. Anthony Grisvold;  
S. 616. George A. Bucklin;  
S. 704. Marshall H. Lewis;  
S. 760. David S. Oliphant;  
S. 823. Erastus Strickland;  
S. 854. Franklin L. Felch;  
S. 856. Elizabeth Marshall;  
S. 865. Sarah J. Mumford;  
S. 869. Jefferson Stanley;  
S. 918. Nathan Dunkelberg;  
S. 976. Luman N. Judd;  
S. 1019. William M. Favorite;  
S. 1130. Charles F. Shepard;  
S. 1349. Marilla Harvey;  
S. 1356. Bertha Zwicker;  
S. 1542. Frederick D. Winton;  
S. 1606. Bridget Murphy;  
S. 1653. Edmund J. Graves;  
S. 1686. Alexander Russell;  
S. 1690. Charles Thurston;  
S. 1777. Thomas J. Postlewait;  
S. 2184. Hazen E. Soule;  
S. 2257. Mary J. Logan;  
S. 2407. Marcus J. Howland;  
S. 2493. Andrew G. Pringle;  
S. 2666. Johnston M. Watts;  
S. 2858. Elbridge Stevens;  
S. 2882. Richard Farn;  
S. 2883. George W. Irwin;  
S. 3189. John G. Snook;  
S. 3196. Joseph A. Clark;  
S. 3205. Jacob M. Weekley;  
S. 3490. Sarah A. Chitwood;  
S. 3492. Harrison Lovelace;  
S. 3679. Harriet E. Whiton;  
S. 3774. George A. Whitney;  
S. 3781. Lydia M. Salisbury;  
S. 3817. John S. Lee;  
S. 3823. John L. Francis;  
S. 3824. Thomas Gibson;  
S. 3893. Mary E. Kellogg;  
S. 3920. Mary J. Hammond;  
S. 3967. Dolson B. Searle;  
S. 4059. James H. Conley;  
S. 4185. Gage S. Gritman;  
S. 4187. Henry P. French;  
S. 4244. William H. Son;  
S. 4245. Eunice P. Athey;  
S. 4247. Orlando S. Goff;  
S. 4415. George E. Lounsbury;  
S. 4418. Mary E. Ostheimer;  
S. 4510. Hannibal H. Whitney;  
S. 4684. Edwin W. French; and  
S. 5008. Jerome Crandall.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report accompanied by a bill (S. 5255) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, which was read

twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 229. Rachel Beatty;  
S. 233. Jane Payne;  
S. 411. Andrew E. Waterman;  
S. 662. Frances V. Dallas;  
S. 965. William Lind;  
S. 1552. George H. Thorpe;  
S. 2866. Augusta C. Stouch;  
S. 2905. Van Ogle;  
S. 2936. Adam S. Bridgefarmer;  
S. 2964. John Burkman;  
S. 3337. Hardin E. Runnels;  
S. 3338. Sadonia Pierce;  
S. 3353. Hansford D. Wall;  
S. 3354. Annie M. Dancy;  
S. 3635. Mary M. Wells;  
S. 3656. Fannie W. Reading;  
S. 3883. Eloise Wilkinson;  
S. 3945. Lavinia A. E. Rogers;  
S. 3946. Mary Varn;  
S. 3947. Owen J. Revels;  
S. 3974. Anna Cochran;  
S. 4104. H. Rowan Saufley;  
S. 4344. Archibald N. Hogans; and  
S. 5108. Emil Kuhblank.

#### FORT RILEY MILITARY RESERVATION LAND.

Mr. WARREN. During my absence from the Senate Chamber yesterday the Senate passed the bill (S. 3157) to authorize the War Department to transfer certain land belonging to the Fort Riley Military Reservation to the State of Kansas. A bill identically the same in every way was passed by the House on the 7th instant, and which I now report back from the Committee on Claims without amendment. In order to facilitate business, I move to reconsider the votes on the passage of the Senate bill and ask that the Senate may pass the House bill.

The VICE-PRESIDENT. The Secretary will read by title the bill reported by the Senator from Wyoming.

The SECRETARY. A bill (H. R. 12398) to authorize the War Department to transfer to the State of Kansas certain land now a part of Fort Riley Military Reservation.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WARREN. I move that the votes by which Senate bill 3157 was ordered to a third reading and passed be reconsidered.

The motion to reconsider was agreed to.

Mr. WARREN. I move that the bill be indefinitely postponed.

The motion was agreed to.

#### ST. LOUIS RIVER BRIDGE.

Mr. MARTIN. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 16050) to authorize the Interstate Transfer Railway Company to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota to report it favorably with an amendment, and I submit a report thereon.

Mr. LA FOLLETTE. I ask unanimous consent for the present consideration of the bill.

The SECRETARY read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to add at the end of section 1 the following proviso:

*Provided*, That said bridge shall be constructed with two through decks, one of which shall provide for the passage of wagons and vehicles, for all kinds of street railway and motor cars, and road travel, and one of which shall also have two passageways, one on either side, for the exclusive use of pedestrians, each passageway to be not less than 3½ feet in width, and to be separated from the roadway or railway on said deck by suitable guard railings; and all parts of said bridge shall be forever maintained in accessible and serviceable condition and the use thereof shall be forever free and without toll or compensation therefor to all pedestrians and vehicles, but not free for steam or electric railroad cars and locomotives or street cars.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

## HEIRS OF DANIEL W. SAMPSON, ETC.

Mr. FULTON, from the Committee on Claims, reported the following resolution, which was considered by unanimous consent and agreed to:

*Resolved*, That the claim of the heirs at law of Daniel W. Sampson (S. 5177) and also the claim of the Baptist Church of Dardanelle, Ark. (S. 5025), now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the Tucker Act, and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

## HEARINGS BEFORE THE COMMITTEE ON INTEROCEANIC CANALS.

Mr. ANKENY. On behalf of the Committee on Interoceanic Canals, I ask for the adoption of the following order.

The order was considered by unanimous consent and agreed to, as follows:

*Ordered*, That the Committee on Interoceanic Canals be authorized to print 1,000 copies of the hearings had before it on the subject of the Panama Canal.

## BILLS INTRODUCED.

Mr. SCOTT introduced a bill (S. 5256) granting an increase of pension to James T. Moore, which was read twice by its title and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 5257) granting a pension to Thomas B. Stewart, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McLAURIN introduced a bill (S. 5258) to carry into effect the findings of the Court of Claims in the matter of the claim of Mrs. Harriett Miles, which was read twice by its title and referred to the Committee on Claims.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 5259) to provide order and quiet in the election of delegates in the District of Columbia to national conventions of political parties, and for other purposes; and

A bill (S. 5260) to define the size and capacity of receptacles used in the sale of farm and garden produce generally, and for other purposes.

Mr. CULLOM introduced a bill (S. 5261) granting an increase of pension to George T. Black, which was read twice by its title and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5262) to repeal an act approved April 30, 1906, entitled "An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes," and for other purposes, which was read twice by its title and referred to the Committee on the Philippines.

Mr. PLATT introduced a bill (S. 5263) for the relief of William Parker Sedgwick, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. DICK introduced a bill (S. 5264) granting a pension to Morris E. Leighty, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 5265) to correct the military record of Frank Wempe, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. FOSTER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5266) for the relief of James M. Schilling;

A bill (S. 5267) for the relief of John R. Bisland; and

A bill (S. 5268) for the relief of J. de L. Lafitte.

Mr. WARREN introduced a bill (S. 5269) for the relief of Mrs. Libbie Arnold, which was read twice by its title and referred to the Committee on Claims.

Mr. SIMMONS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5270) granting an increase of pension to Jackson Ramsey (with accompanying papers); and

A bill (S. 5271) granting an increase of pension to Jacob M. Revis (with accompanying papers).

Mr. TAYLOR introduced a bill (S. 5272) granting a pension to Henry Jones, which was read twice by its title and referred to the Committee on Pensions.

Mr. DIXON introduced a bill (S. 5273) for the relief of Andrew Whitley, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. CULBERSON introduced a bill (S. 5274) to amend the act creating the Spanish Treaty Claims Commission, approved

March 2, 1901, which was read twice by its title and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5275) granting an increase of pension to Agnes Boone Otis, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. OWEN introduced a bill (S. 5276) for the relief of the estate of J. P. Lawrence, deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5277) for the relief of William F. Dietrich and others, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. WARNER introduced a bill (S. 5278) providing for the transfer of certain names from the freedman roll to the roll of citizens by blood of the Choctaw and Chickasaw nations, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5279) granting a pension to Mary Florence King, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FLINT introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5280) granting an increase of pension to James L. Rouse; and

A bill (S. 5281) granting an increase of pension to Francis M. Walker.

He also introduced a bill (S. 5282) for the relief of Mrs. Ella Phillips, widow of David Phillips, deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5283) appropriating money to perform the work described in the special report of the California Débris Commission with regard to future operations for the control of mining debris, improving navigability, and providing for the control of floods on the Sacramento and Feather rivers of California, dated June 30, 1907, and printed with the Annual Report of the Chief of Engineers of the United States Army for the fiscal year ending June 30, 1907, which was read twice by its title and referred to the Committee on Commerce.

Mr. LONG introduced a bill (S. 5284) for the relief of Jonson Adams, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. HEMENWAY introduced a bill (S. 5285) granting an increase of pension to John S. Marrs, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5286) granting an increase of pension to Benjamin F. Simpson, which was read twice by its title and referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 5287) granting an increase of pension to Arthur Linn, which was read twice by its title and referred to the Committee on Pensions.

Mr. BOURNE introduced a bill (S. 5288) granting an increase of pension to Caroline P. Hill, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5289) for the relief of Hundley S. Maloney, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5290) granting an increase of pension to William S. Canatsey (with accompanying paper); and

A bill (S. 5291) to pension the company of Indian scouts known as "The Forsythe Scouts."

Mr. OVERMAN introduced a bill (S. 5292) for the relief of Capt. William Hill, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 5293) granting a pension to James H. Draper, which was read twice by its title and referred to the Committee on Pensions.

Mr. GORE introduced a bill (S. 5294) to authorize the issuance of patents in fee to Indians under the jurisdiction of the Quapaw Agency and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. FULTON introduced a joint resolution (S. R. 55) authorizing the use of a dredger in improving the channel of Coos

Bay, Oregon, which was read twice by its title and referred to the Committee on Commerce.

#### AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. LODGE submitted an amendment intended to be proposed by him to the House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

#### AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. LONG submitted an amendment proposing to appropriate \$1,500 to enable the Secretary of the Treasury to reimburse Charles A. Davidson and Charles M. Campbell, late clerks of the United States courts in the Indian Territory, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### WITHDRAWAL OF PAPERS—HENRY W. SCHRODER.

On motion of Mr. DICK, it was

Ordered, That there may be withdrawn from the files of the Senate all papers relative to the bill (S. 2408) granting an increase of pension to Henry W. Schroder, Fifty-ninth Congress, first session, there having been no adverse report thereon.

#### WITHDRAWAL OF PAPERS—JOHN W. ARMITAGE.

On motion of Mr. DICK, it was

Ordered, That there may be withdrawn from the files of the Senate all papers relating to the bill (S. 2412) granting an increase of pension to John W. Armitage, Fifty-ninth Congress, first session, there having been no adverse report thereon.

#### L. K. SCOTT.

The bill (H. R. 2756) for the relief of L. K. Scott was read the first time by its title.

Mr. BURNHAM. This bill, which has passed the House, is identical with Senate bill 820, which is on the Calendar under Rule IX. I desire to call up Senate bill 820 and to substitute the House bill for the Senate bill.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. BURNHAM. I move that the Senate bill be postponed indefinitely.

The motion was agreed to.

Mr. BURNHAM. Now, I ask for the present consideration of the House bill.

The VICE-PRESIDENT. The bill will be read at length.

The bill was read the second time at length, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to L. K. Scott the sum of \$7,500 for royalty upon telescopic sights; and said sum shall be in full satisfaction of all claims in behalf of said Scott, or his estate, against the United States arising from the use of said telescopic sights; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, \$7,500 for the purposes specified in this act.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CULBERSON. From what committee does the bill come?

Mr. BURNHAM. From the Committee on Claims.

The VICE-PRESIDENT. It is a House bill, which by agreement has been substituted for a like bill of the Senate, reported from the Committee on Claims, and placed upon the Calendar.

Mr. CULBERSON. I will ask the Senator in charge of the bill if the Senate bill was unanimously reported?

Mr. BURNHAM. I understand so. A similar bill was reported in the last Congress and passed by the Senate, but failed to pass the House. This bill has passed the House.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CULBERSON. Does a report accompany the Senate bill?

Mr. BURNHAM. There is a report accompanying it.

Mr. CULBERSON. I understand that the Senate bill is identical with the House bill.

Mr. BURNHAM. It is identical with the House bill, and there is a report accompanying the Senate bill.

The VICE-PRESIDENT. The report was read in the Senate the other day.

Mr. CULBERSON. Very well.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### AMENDMENT OF THE NATIONAL BANKING LAWS.

Mr. WARNER submitted an amendment intended to be proposed by him to the bill (S. 3023) to amend the national banking laws, which was ordered to lie on the table and to be printed in the RECORD, as follows:

#### AMENDMENT.

Intended to be proposed by Mr. WARNER to the bill (S. 3023) to amend the national banking laws.

In line 15, page 4, section 2, after the word "taxes," insert the following:

"Bonds of Porto Rico issued in pursuance to authority granted by Congress."

Mr. JOHNSTON submitted the following amendment to the bill (S. 3023) to amend the national banking laws, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Amend section 8 by striking out the first five lines and inserting in lieu thereof the following:

"That on and after January 1, 1909, two-thirds of the reserve required by law to be held by national banking associations shall be kept in their vaults, either in the funds now required by law or in bonds mentioned in this act: *Provided*, That not more than one-half of the reserve so required to be kept in the vaults of national banks shall be in such bonds."

Mr. TILLMAN. I submit a proposed amendment to the bill (S. 3023) to amend the national banking laws. I ask that it be printed in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. TILLMAN. I would rather have it read.

The VICE-PRESIDENT. The Secretary will read the proposed amendment.

The SECRETARY. On page 8, line 15, after the word "withdrawn," insert the following proviso:

*Provided*, That the total withdrawal of circulating notes issued by all national banking associations shall not exceed \$9,000,000 in any calendar month.

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

Mr. TILLMAN. Mr. President, I do not propose to make any speech at this time, but I just want to give a little explanation of the reason why I think it very important that this phase of legislation shall be considered.

I find that the original banking act of 1874, in this same section 9, had a provision which "provided that not more than \$3,000,000 of lawful money shall be deposited during any calendar month for this purpose"—that is, for the purpose of withdrawing circulation.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Rhode Island?

Mr. TILLMAN. Certainly.

Mr. ALDRICH. I think the original act of 1874 did not contain any such provision.

Mr. TILLMAN. I have the act in my hand and I am reading from it.

Mr. ALDRICH. I think the act was amended in 1882.

Mr. TILLMAN. This is the act of 1882. I meant 1882. I see that the Senator from Iowa [Mr. ALLISON] smiles approval, and I know that when I look to him for information I always get it. He has a most wonderful memory, even better than the Senator from Rhode Island. Anyhow, it is 1882; and there was a provision in the act as amended prohibiting the withdrawal of more than \$3,000,000 a month.

Last year the Senator from Rhode Island introduced and the Senate passed an amendment to this same section 9, which provided "that not more than \$9,000,000 of lawful money shall be deposited during any calendar month" for purposes of withdrawal. I now find that the act which he introduced, S. 3023, and which will soon be under consideration, known as the "Aldrich bill," strikes out this proviso and leaves no limitation whatever on the amount of money that may be withdrawn from circulation by the national banks.

While I am not entirely clear in my own mind as to the result of such action, it appears to me that if it was thought necessary in 1882 to prohibit the banks to withdraw more than \$3,000,000, and if it was thought necessary last year to prohibit the banks to withdraw more than \$9,000,000, it is a remarkable thing that now we propose to allow the banks to issue \$500,000,000, in addition to the regular circulation, about \$700,000,000, and we will then turn them loose after we allow them to inflate the currency to \$1,200,000,000 and permit them to contract it at will, without a scintilla of authority anywhere other than the Secretary of the Treasury to stop them.

Mr. ALDRICH. And the Comptroller of the Currency.

Mr. TILLMAN. The Comptroller of the Currency is under the Secretary of the Treasury.

Mr. ALDRICH. Not as to this matter.

Mr. TILLMAN. The Senator will have his own time and can explain why he has thought it worth while to omit this important proviso.

As I said, I do not propose to make a speech this morning, because I am feeling quite unwell, but in a day or two I hope to be able to present some reasons to show why this is a fearfully dangerous power to be vested anywhere, and that we can not safely pass this proposed law without some provision which will limit the power of the national banks to inflate and to reduce the volume of currency at will.

Mr. ALDRICH. I ask that Senate bill 3023 may be taken up at this time. The Senator from Maryland [Mr. RAYNER] desires to submit some remarks.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. RAYNER. Mr. President, I do not propose to make any extended remarks upon the subject before us. I realize the fact that the bill that has been reported by the Committee on Finance will pass this body, and my sole object now is to explain the vote that I shall cast upon this occasion. We have the consolation of knowing that even if this bill passes it is simply and solely an emergency measure, brought into existence by the occasion that produces it, and intended only as a temporary remedy for the evils that it is supposed to prevent and counteract.

#### IMPERFECTIONS OF PRESENT SYSTEM.

I shall assume, for the sake of argument, that our national banking system will continue for the present and for some time in the future, and, therefore, considering that the bill is wholly ineffective for the purposes for which it is designed, I conceive it to be my duty to state that I regard the system so full of errors and imperfections that I believe the day must come when we shall be compelled to change some of its essential features and adopt entirely new plans and provisions that shall be acceptable to the people and commensurate with the needs of the country. When that day arrives I will, if the opportunity presents itself, take the liberty of giving my views in full upon a subject to which I have devoted years of study and investigation—it might have been, perhaps, in vain, but nevertheless with some definite ideas of the extent of the changes that ought to be made—and of the character of the reforms that we ought to accomplish.

#### OUR CURRENCY MUST BE SAFE AND SOUND.

I have a greater solicitude for a perfectly safe and sound currency than I have for an overabundant currency. The currency of the United States in ordinary times is absolutely ample for the use of the people as a circulating medium. We have to-day nearly three thousand million dollars of currency outstanding, and if we deduct the gold that is in the Treasury for the redemption of greenbacks, and the gold and silver and greenbacks held for the retirement of the national bank notes, and the redemption fund, and the general fund in the Treasury, and the amount of currency held by the various national and State banks, there is still nearly two thousand millions of dollars in actual use as a circulating medium. There is no country in the world that has so large an uncovered currency as we have in the United States. We have a larger uncovered paper currency than Great Britain, France, and Germany combined. Besides this, we must bear in mind that we have over a thousand million dollars in silver and silver certificates and United States notes covered by only \$150,000,000 of gold. I look, therefore, with a great degree of distrust upon any plan to expand our note issues and increase our circulating medium. The truth about the situation is that the money in this country is not equitably and fairly distributed, and that it is concentrated at points that dominate the banking interests of the land, and that the people who need the money, and the agricultural sections of the country, and the country banks, and the country towns and mercantile and farming interests, and honest business enterprises are all unable to procure it when the necessity arises for its use, and are all sacrificed to gratify and appease the demands that are concentrated around the financial centers of the country.

We will never have any permanent relief until we strike at the root of the evil and reform our entire banking system from its foundation in the interests of the American people against the special interests who under our present laws exercise a controlling influence with the banks and the Treasury of the United States. So long as I have been in public life I have consistently advocated a system that will make every dollar that goes forth to the people worth a dollar in every Commonwealth of

the land, and that is a proposition that I can never yield or compromise upon in the slightest degree.

#### OPPOSED TO CREDIT CURRENCY AND CENTRAL BANK.

I desire it distinctly understood that, while opposing the present bill, I am not in favor, according to my present convictions, of either a credit currency or an asset currency, and I am opposed to the whole conception of a central bank advocated by the Comptroller of the Currency that shall regulate and control the finances of the country. I want to say one word in passing with reference to the plans that have been suggested of an asset or a credit currency, so that my position may not be misunderstood. Foreign systems have been cited in its favor and Scotch and Canadian banks have been referred to as an example worthy of imitation. There is not the slightest comparison between the conditions and the situation in this country and in those to which continual reference is being made by the advocates of a credit or an asset currency. In Scotland there are only eleven banks with branches, and their aggregate note issues are less than \$50,000,000. There are only thirty-five banks in Canada, with numerous branches, and their aggregate note issues never reach the sum of \$100,000,000. In this country we have between six and seven thousand national banks, with deposits of over four thousand million dollars and notes already aggregating \$600,000,000. I do not believe that with any regard whatever to a stable currency we are in any position to adopt the principle of free interchange of bank-book credits and bank-note credits, and I do not accede to the proposition that every depositor of a bank should have the option of taking his credit at the bank in such form as will best serve his convenience in either a book credit, subject to checks, or a currency credit in bank notes. When the time arrives, if it ever should arrive, for a discussion of this subject, I will give in detail the reasons that influence me in reaching the conclusions that I now present. I only want to be understood now that I am not opposing this bill because I favor an asset currency. I know that other countries, as a rule, have no bond-secured currency such as we have, and that they are using a large amount of credit currency, but I can not think that it would be expedient for us, for the present at least and for a long time to come, to follow their example or to adopt their systems.

When we come to the question of a central bank, I am utterly opposed to it, and let me say to you that there is no parallel whatever between our banking system and the banks under the governments that have the central banking systems. The Bank of France, that has been cited so often in this connection, has a metallic reserve of more than 75 per cent of both its deposit liabilities and notes, more than two-thirds of this reserve being in gold. The Bank of England is required to keep as a reserve against its notes an amount of gold equal to the whole of its notes, except about £17,000,000 issued against Government securities owned by the bank. The Imperial Bank of Germany keeps a reserve in amount equal to 33½ per cent of its outstanding issues. In the United States to-day the combined stock of gold of all the banks and trust companies amounts to a little over 5 per cent of their combined liability to individual depositors.

In an admirable address delivered by Mr. Victor Morawitz a short time ago before the Boston Economic Club, he states that any proposal to allow the banks of the United States to expand their note issues and their credits should be scrutinized with the greatest caution, and I agree with him upon this proposition, and if you want to know from me at the present moment what suggested plan has impressed itself upon me with greater favor than any other to remedy our present trouble and extricate us from our present difficulties, I would immediately discard the plan of the American Bankers' Association, and I would take his plan providing for a joint association of national banks for the purpose of enabling each member of the association to issue notes upon the joint credit of the associated banks with a reserve against the notes entirely distinct from the reserve against their deposit liabilities.

#### OUR RESERVES.

This brings me now to my principal opposition to the bill and to a question that has really been the cause of my taking any part whatever in this debate, and without which I would not, perhaps, have participated at all in the discussion at the present time, because I know that the bill of the Finance Committee will pass, and that this debate upon this occasion is both impracticable and unprofitable. Mr. President, the great trouble is with the reserves. If you were to ask me to find one of the principal causes of the present state of liquidation and depression that we are suffering from, I would unhesitatingly say that it is the law that regulates and controls the reserves. I would dignify this branch of the system if I called it an artifice or a fiction, because it is simply an undisguised and

stupendous deception and fraud. The Comptroller of the Currency was bound to make this concession when he was investigating the causes of our present trouble, and while I agree with him in tracing the source of the trouble largely to this cause, I regret that I can not agree with him in the remedy that he proposes. Now, let us look at this reserve system for a moment, because it is as interesting as it is senseless and bewildering. The aggregate liabilities of all the reporting banks and trust companies of the United States amount to over twelve thousand million dollars—four times the entire currency of the United States, and about twelve times the aggregate amount of currency held by all the banks and trust companies deposited with reserve agents under the law. I have already stated that the combined stock of gold against this line of deposits is a little over 5 per cent.

Now, let us see how this reserve scheme practically works in its dishonest and disastrous operation upon the rights of the American people. I shall take the figures of the Comptroller of the Currency. I will take \$10,000,000 deposited in the country banks. Of this amount under the law there is only \$600,000, that is 6 per cent, of cash in their vaults, and \$900,000 deposited with reserve agents. Nine hundred thousand and six hundred thousand make up the 15 per cent upon ten million reserves required by law; three-fifths of which 15 per cent, namely, \$900,000, are deposited with reserve agents under the law, and two-fifths of which, namely, \$600,000, are retained in the vaults of the bank. Now, when the \$900,000 gets into the reserve city banks the law only requires 12½ per cent—that is to say, \$112,500—to remain in their vaults. The other 12½ per cent, which makes up the 25 per cent, is deposited in the central reserve banks in New York, Chicago, and St. Louis, and even of this amount the central reserve banks in those cities need only keep the one-fourth of it, namely, \$28,125. Is there any such juggling as this practiced in any banking system in any civilized country of the world? Why, sir, the native savages upon the banks of the Senegambian River, with elephants' teeth and the bark of the mulberry tree as a circulating medium, have a better system of finance than this. Has the chairman of the Committee on Finance fully considered what this means in the hour of necessity and of panic when the confidence of the country is gone and the people are hoarding their money? It means by a close calculation that the city banks keep less than 1½ per cent in cash of the country banks' reserve deposits, and the country banks keep only 6 per cent on hand in cash by law. By an accurate mathematical demonstration, made by the Comptroller, you have this situation: That if there is a reduction of \$150,000 out of the \$10,000,000 deposited in the country banks, or only 1½ per cent, it calls for more cash or reserve money than is kept on hand for the whole \$10,000,000 in the reserve banks.

#### WHY NOT CHANGE THE LAWS FOR THE RESERVES?

You talk to me about moving the crops. Where is the \$200,000,000 to come from to move the crops? The country banks have only 6 per cent of their reserve, and the city and central banks have not quite 1½ per cent of their reserves. Who has the money? I suppose that the stock market has it to a large extent. So, gentlemen of the South and West, when you want to move your crops do not apply to the banks, because they have no money, but apply to the New York Stock Exchange for permission to do so. Is it not frightful that this iniquity should continue, condemned by every intelligent financier and honest man in the land? You will understand that in the seasons when money is easy the reserves go to New York as quickly as they can for interest, and then when the hour of contraction comes the New York banks are unable to send the reserves home again, because the money is all loaned out. What has the chairman of the Finance Committee done with section 8 of his original bill? This was the language of section 8 of the original bill:

Sec. 8. That national banking associations located outside of reserve or central reserve cities, which are now required by law to keep a reserve equal to 15 per cent of their deposit liabilities, shall hereafter hold at all times at least two-thirds of such reserve in lawful money.

That was at least a faint effort to change the law in reference to the reserves by providing that the 15 per cent banks—that is to say, the country banks—shall hold at least two-thirds of their reserves in lawful money, instead of two-fifths, as is now required. Why was this section eliminated? What was the reason for it? Who asked for this vital change? This was a small concession at least, but the difference between the provision originally placed by the Senator from Rhode Island in his bill and the provision that exists by law gives you a sum of money, over a hundred million dollars, the difference between the amount in the original bill and the amount in the bill as reported.

Mr. ALDRICH. Does the Senator desire an answer?

Mr. RAYNER. Certainly. I should like to know for information. I am not criticising the Senator's bill.

Mr. ALDRICH. I will say that I believe as thoroughly at this moment in the provisions of section 8, to which the Senator has alluded, as I did when it was put into the bill. Opposition was developed to that provision largely among the country banks of the South and West, and as this was an emergency measure, I was very anxious not to encumber it with any provisions that would lead to discussion. I believed that this important question of reserves should be taken up by itself and considered by itself, and the committee therefore thought it desirable that this provision should be left out of the bill, not because they disbelieved in it, but because they believed that the question of reserves should be taken up and considered in a broad and general way, with a view, perhaps, of presenting some system which should be more satisfactory than the existing one.

Mr. TILLMAN. Will the Senator from Maryland allow me to ask the Senator from Rhode Island a question?

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from South Carolina?

Mr. RAYNER. Yes.

Mr. TILLMAN. Will the chairman of the committee inform us when the committee will take up this very important matter and report a bill?

Mr. ALDRICH. Mr. President—

Mr. TILLMAN. When?

Mr. RAYNER. I will answer the Senator by saying that whenever a tariff bill is passed. They will both come in together. [Laughter.]

Mr. TILLMAN. Let the Senator from Rhode Island answer for himself.

Mr. RAYNER. I will answer that question just now and say that they both will be presented, and, as the tariff bill perhaps will be presented in the interest of protectionists, so the other bill will be presented in the interest of the national banks against the rights of the American people.

Mr. ALDRICH. Mr. President—

Mr. RAYNER. I want to know of the chairman of the Finance Committee who asked for this change? We all admit that this was one of the causes of the trouble.

Mr. ALDRICH. I will say, without meaning to disclose any secrets of the committee, that the Senator from Florida [Mr. TALIAFERRO], who is now a member of the committee, was one of the strongest opponents of this provision from whom we heard.

Mr. TALIAFERRO. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Florida?

Mr. RAYNER. Certainly.

Mr. TALIAFERRO. I will say that it was unnecessary for the Senator from Rhode Island to have made that statement, as I had already made it to the Senator from Maryland, and I marvel that he should have asked the question of the Senator from Rhode Island.

Mr. RAYNER. I did not understand at all when the Senator from Florida, in a casual conversation this morning outside of the Senate Chamber, said to me that he was in favor of the change, that the Senator from Florida, standing singly and alone as a member of the minority party, had such influence with the Senator from Rhode Island as to cause an important change of this kind to be made. I did not understand that at all. I did not understand for a moment why this change was made. I understood from the Senator from Florida that he was in favor of the change, but I did not understand that the actual influence—perfectly honest influence, of course—which induced the committee to change the original bill was a suggestion of the Senator from Florida alone.

Mr. ALDRICH. I did not say that.

Mr. TALIAFERRO. Mr. President, the question of influence was not referred to by the Senator from Maryland, as the RECORD will show. The question he put to the Senator from Rhode Island was, Who proposed and who advocated this change from the original bill as introduced by the Senator from Rhode Island? I stated to him this morning that I moved to strike that provision out of the bill, and I am prepared to give my reasons for my motion and for my action in the matter without taking up the time of the Senator from Maryland.

Mr. RAYNER. The Senator stated just exactly to me what he states now, and I have no doubt he had the best reasons for his action. I want it distinctly understood that I am not criticising anybody. I know the Senator's reasons for striking it out are just as good as my reasons for trying to keep it in; but it seems strange to me that, upon the motion of a minority

member of the committee, without any other reason at all, an important provision of this kind—to me a vital provision of the bill—should have been stricken out.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Rhode Island?

Mr. RAYNER. I do.

Mr. ALDRICH. I did not confine my remarks as to the opposition to this provision to the Senator from Florida. I made no such suggestion or inference. I said there was great opposition to this from country banks, especially from country banks in the South and West, and that the committee let it go out with a view of avoiding a prolonged discussion upon a subject which was not vital to the bill itself.

Mr. TALIAFERRO. Mr. President, I wish to say that of course it is well known to the Senate that I could not have stricken anything from that bill without the consent of the members of the committee on the other side of the Chamber; but I want to say that I think the committee acted wisely in striking it out, the opinions of the Senator from Maryland to the contrary notwithstanding, and I am prepared, from a practical standpoint, to show what prompted my action and that it is wise, or, at least, not unwise, in the practical operation of the banking system of this country.

Mr. RAYNER. Mr. President, here we have one of the principal causes of the panic, known to all of us who have examined the subject, and here we have a bill offered by the chairman of the Committee on Finance that practically admits that the most serious trouble is in a large degree attributable to the reserves, and then we have a new bill reported by the committee that ignores the cause and strikes out the principal remedy against the recurrence of the trouble under which we are suffering. I am not criticising the committee or its distinguished chairman. They have evidently done what to their minds seems best as an emergency measure, but if I may be permitted to say so, with great respect and deference to every member of the committee, I do assert beyond the fear of successful contradiction that in the radical defect and omission that I have pointed out which disfigures this bill as it is now, it works more effectively in the interest of large dividends to the stockholders of national banks than it does in the interests of the American people. My clients upon this floor are the merchants of my city and the laboring and agricultural interests of my State. Consistent with that position, I would not take a single step here that would endanger a single investment in the hands of a stockholder of a national bank. Every honest investment is sacred to me, and the man, I care not who he is, who for a momentary triumph or applause would sacrifice or destroy the legitimate investments of the people of this country is an enemy to society as it is now constituted. But, Mr. President, when I come to a choice between large dividends to stockholders and the rights of the people to market the products of their toil, I must stand by the people. I therefore desire to emphasize the fact that I consider this bill vitally defective, because it does not deal with the subject of bank reserves.

The Senator from Texas, I will say, has a bill here to keep all the reserves in the country banks, and the Senator from Alabama, who has studied this question as thoroughly as any of us from a practical standpoint, has a contemplated amendment of which I am strongly in favor.

Let the country banks keep 10 per cent of their reserves and loan the other 5 per cent to reserve city banks, and out of the 10 per cent that they keep let them invest 5 per cent of the 10 per cent in State or municipal bonds, and whenever they want the money on those bonds under the provisions of this bill they can turn the bonds over to the Treasury of the United States and get the money on them. I think that is a very feasible scheme and one that ought to be incorporated in this bill.

Mr. TALIAFERRO. I simply wish to say that under the law the reserve is supposed to be held in the banks and not paid out to the people for any purpose. So, if we have 10 per cent reserve held in the vaults of the country banks instead of 6 per cent, as the law now provides, it would result in contracting their lending capacity 4 per cent on the total amount of their deposits; and I say, when the question of crop movement is brought up here, that it would be impossible for the banks to lend any portion of that reserve to move the crops or for any other purpose. So the minimum amount of reserve that is consistent with the safety of the banks, in my opinion, should be adopted as the amount to be held in the vaults of the banks. That is all I want to say.

Mr. RAYNER. Leaving the question of reserve, because I shall conclude in a few moments, and I have no doubt it will

give rise to a great deal of discussion. I am only stating my views. I never come to a conclusion on a matter except after very thorough investigation. I have come to this conclusion, right or wrong. This bill ought to have been reported as introduced by the Senator from Rhode Island. I frankly confess that I do not like the bill in other particulars. I do not like the deposit of railroad bonds; and the reason I do not like this bill is because it simply makes a surface application for the purpose of allaying an organic malady, and does not pretend to cut down deep into the root of the trouble. It may give us an expansion of the currency, and I have no doubt it will, and I do not object to it so far as a deposit of State and municipal securities are concerned, but I do not for a moment favor the artificial method of taxation that is to force the currency back and contract expansion when the money is no longer needed. If I had my way, I would force a contraction of the currency, not by taxation but by increasing the reserves which the banks should hold against their issues. To any student of finance, who has honestly studied the subject, it is a fallacy to tell him that a deposit of securities makes an issue of bank notes sound and safe. Let it be known that a deposit of securities does not create a convertible currency. When I speak of a convertible currency, I mean what any sound financier and economist means who understands the subject, and that is to say a currency that is always redeemable in coin. Every other currency is inconvertible, call it what you will, and secure it how you may.

Do not understand me for a moment as claiming that the reserves have been the sole cause of our trouble. My contention is that they have constituted one of the principal causes of the contraction that has taken place. I do not hold for a moment that it would be proper to keep the whole of the reserves in cash in the vaults of the banks, because I realize that a portion must go to the cities where debts are due and payments are made. What I am charging is that this bill ought to have made a substantial change in the law that relates to the reserves. We must realize that in dealing with this subject of reserves we are speaking of an enormous sum of money—over \$700,000,000—and my insistence is that if you intend to preserve a proper equilibrium there must be more money at the ready call of the banks that are not located in the central reserve cities. The suggestion has been made already by an amendment to this bill, and by other amendments that will be offered, that the reserves be divided ratably, say 10 per cent in cash and 5 per cent on deposit, with the power to invest one-half of the 10 per cent in municipal and State securities. I am substantially in favor of such a proposition, because when the banks need the money upon the bonds they can then procure them under the provisions of this bill. Whatever is to be done, or not to be done, I appeal to this body not to pass a bill which peremptorily declines to make any change whatever in this system of reserves and permits this blundering and flagrant injustice to permanently disgrace the statutes of the United States.

#### CAUSES OF THE PANIC.

When I asserted a moment ago that our present financial distress was not caused entirely by the failure of the banks and people to procure the money that belonged to them, and that they ought to have had, I meant that there were numerous other causes at work to which could be easily traced the anomalous disturbance that has retarded and shocked the prosperity of the country. Unlawful speculation, unlimited gambling in the stock market, overtrading, hazardous business enterprises that did not offer safe security for the loan of money, high and fictitious figures for investments, combinations and consolidations that have benefited the promoters and robbed the people of the land, all working together, destroyed public confidence and helped materially to create a period of depression almost unparalleled in the financial history of this country. And now I say, with great deference and respect, both for the office and for its occupant, that the President of the United States has also, with the best intentions, unconsciously contributed to the misfortunes that have overtaken us. I unite with him in the warfare that he is waging against the violators of the law and the oppressors of the people. He can not be too severe for me in his arraignment of their iniquitous practices. When it comes to the Standard Oil Company and other kindred alliances, no man in this Chamber would go to a greater length than I am willing to go in driving them, if possible, from the face of the Republic. I know that their path has been a path of desolation, I know that they have swept down upon competition like a cormorant upon its prey, and have built their thrones upon the wants of penury and the toil of unrequited labor.

Monopoly is the curse of this country, and I take up my line of march, as I have always done, with the attacking party that

will eventually level it to the earth and rescue from its deadly grasp the honest business enterprises of the land and the prostrate rights of the American people. I differ, however, with the President in his method of assault. Malefactors should receive penal punishment, and a whole generation of innocent people ought not to suffer for the sins of their oppressors. One day of imprisonment would do the work better than all the heaviest fines that can be levied upon the institutions they represent. I differ with the President in his remedies, because he has suggested one after another utterly impossible of accomplishment by the Federal Government. Take the child-labor bill that in former messages has received his warmest indorsement. Laying aside its unconstitutionality, which I shall discuss when the occasion presents itself, it has terrified every manufacturing industry in the land, because it provides upon its face that if a single child is employed in a manufactory all the vast products of the establishment produced by adult labor may be excluded from the channels of interstate commerce. Take the capitalization of railroads. I have no objection whatever to this plan, but after the capitalization then what will you do with your innocent stockholders and bondholders? How will you separate and distinguish the watered issue from the lawful capital? What can the Federal Government do with those who have honestly and innocently acquired their investments? It can terrify them, and that is about all that it has done. The President in his last message says that before an investment is made the purchaser should inquire into the management of the road. What a reverie and a dream this is. How is it possible for a trustee, acting for his wards in chancery, or for anyone else, to conduct an investigation into the management of the great trunk-line systems of the United States? The diagnosis of the President is perfectly correct, but in most of the instances he cites his remedies are either unlawful or impracticable. From the violent fervor of his utterances there is an idea running through the public mind that he has come to the conclusion that every man engaged in a large business enterprise is a malefactor, and that every good citizen of the land ought to spend at least one term in the penitentiary. I am with him as a destroyer against every infamous combination that is plundering the American people whenever the law permits it; and now, speaking for myself alone, and I wish I could reecho the voice of my party upon this subject, I am, as I have often asserted in this Chamber, against him whenever he proposes to subvert the rights of the States and invoke the Federal authority—what will not stand the test of judicial decision, proposals that have simply had the effect of intimidating the people and depreciating investments—and I say to you that they have undoubtedly had that effect, because I assert from my own knowledge and experience that men to-day who are in the pursuit of honest and legitimate vocations are possessed of a constant fear that some new volcanic disturbance emanating from the laboratory of the President's prolific mind may take place at any day between the dawn of morning and the setting sun that will make the bulwarks of prosperity quake and tremble and paralyze the business industries of the country.

UGHT NOT TO BE A PARTY QUESTION.

And now just one word in conclusion. I have arisen for the sole purpose of making a single suggestion upon an isolated branch of the question that is before us. If the time should ever come, as I have said, when our entire system shall be subjected to radical changes, I will, if I occupy any position that will enable me to do so, discuss the topic in all its bearings with the help of such study and research as I have dedicated to its investigation. Let me now, above everything else, anticipate that hour by saying, as I have said before, that I shall never favor any system of currency that is born in dishonor. It must carry with it the proof of its legitimacy and the credentials of its sponsor, the inviolate pledge of the greatest Government of this earth wherever it goes and among whomever it circulates. This question ought never to become a party question. It requires a different forum. I believe that every note that bears, either express or implied, the indorsement of the Treasury should have equal stability in every Commonwealth. I believe in forever striking from the tenets of our political faith the superstitious folly that a nation grows rich in proportion to the amount of worthless money that it can issue, and in place of this idolatry I would plant high upon our altars so that all mankind can read the inscription that we treasure our national integrity as we do our institutions, and that we would sooner fall and perish than dishonor any of the obligations upon which have been imprinted the emblem of the Republic.

Mr. ALDRICH. Mr. President, I stated that I was in favor of a revision of our system of reserves. I did not mean to be understood by that statement as saying that I thought the present provisions of law, or the practice under them, were

responsible in any sense for the crisis through which we have just passed. In order to show what the practice of the banks has been I will read from the Comptroller's report. The Senator from Maryland [Mr. RAYNER] thinks that the country banks should hold in lawful money at least 10 per cent of their deposit liabilities. Now, what is the fact? On the 3d of December, when the country had fairly emerged from the crisis, the country banks held in deposits twenty-four hundred million dollars; not \$10,000,000, as the Senator from Maryland suggested, but twenty-four hundred million.

Mr. RAYNER. I used \$10,000,000 as an illustration. I said they held about half the deposits of the country, and half the deposits amount to just about the figures the Senator has given. I only used the \$10,000,000 as an illustration.

Mr. ALDRICH. I misunderstood the Senator.

Mr. RAYNER. Of course. You do not suppose for a moment that I thought the country banks held only \$10,000,000 when they hold over two thousand million dollars?

Mr. ALDRICH. The banks held, as I say, twenty-four hundred million dollars, and on that twenty-four hundred million dollars they were required to hold \$372,000,000 in reserve. Two-thirds of that amount is \$248,000,000; that is, if they held the amount of reserve which the Senator from Maryland says they ought to have held and the amount which the amendment which I put in the first bill required them to hold, they would have held \$248,000,000. On the 3d of December they had actually in their vaults \$246,000,000 in gold and legal-tender notes, so they had at that time within \$2,000,000 of the precise amount which the Senator from Maryland says they ought to hold and which they would have been obliged to hold, as I say, under the proposed amendment.

The Senator says that he and I disagree about the figures—

Mr. RAYNER. May I ask how much the country banks have in reserves loaned to central-reserve cities?

Mr. ALDRICH. That is what they had actually in their vaults at the time, without regard to what they had in reserve cities. It does not cover the amount which they had on deposit in reserve banks.

Mr. BAILEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Texas?

Mr. ALDRICH. Certainly.

Mr. BAILEY. That is not a perfectly fair statement, because from the time the distress occurred in New York the country banks, unable to obtain their reserves in New York, began at once a system of collecting every dollar they could collect and holding it when collected. Therefore, the reserves in the country banks on the day the Senator from Rhode Island instances is not the kind of reserve that the country banks usually keep, and they had it then only because they could not get their money from New York and were compelled to get it from their customers.

Mr. ALDRICH. I have not the figures before me. Therefore I will not undertake to answer the Senator from Texas. Undoubtedly it is true that the country banks did strengthen their reserves from October to December, but to what extent I am not sure. My impression is that in the August report they showed substantially as great a reserve as they had in this one.

Mr. BAILEY. My opinion is that up to the 1st of January the banks continued the process of collecting and holding until, I venture to say, the banks throughout the South and the West—and I am practically certain it was true in Texas—had in their vaults and with reserve agents more than 50 per cent of their deposits.

Mr. ALDRICH. I will have the figures here.

The Senator from Maryland says that he and I disagree as to the amount of money outstanding. It is probably my misfortune to disagree with the Senator from Maryland to the extent of \$400,000,000 upon a matter of that kind, but in order that there may be no misapprehension about the authority for my figures, I submitted yesterday to the Senate statistics furnished me by the Treasury Department covering this precise point. They are not here yet. They have not yet been printed, but I hold in my hand a proof sheet, and it shows that on the 30th of June, 1907, there was outstanding of all forms of money, exclusive of the banks and the Treasury, sixteen hundred and sixty-six million five hundred thousand dollars, which was the precise amount I stated.

Mr. RAYNER. The Senator said the whole currency of the country amounted to two thousand eight hundred million dollars. The Treasury account shows it amounted to three thousand two hundred and eleven million dollars; and I have the specific statement as to the gold coin in the Treasury, silver dollars, subsidiary silver, greenbacks, national-bank notes, etc.

It amounts to \$500,000,000 more than the Senator gave. So there must be a mistake on the part of the Treasury Department.

Mr. ALDRICH. The statement I have before me I will read for the information of the Senator from Maryland.

The coin and other money in the United States on June 30, 1907, was three thousand one hundred and fifteen million six hundred thousand dollars; the amount of coin and other money in the Treasury as assets was three hundred and forty-two million six hundred thousand dollars; coin and other money in banks which reported to the Comptroller of the Treasury was one thousand one hundred and six million five hundred thousand dollars; coin and other money not in banks or Treasury, sixteen hundred and sixty-six million five hundred thousand dollars.

That is the report made to me by the Secretary of the Treasury.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Texas?

Mr. ALDRICH. Certainly.

Mr. CULBERSON. I invite the attention of the Senator from Rhode Island to the statement of the Comptroller of the Currency, page 48, in which he states that the total stock of money in the United States on June 30, 1906—

Mr. ALDRICH. From what page is the Senator reading?

Mr. CULBERSON. Page 48. I am quoting the Comptroller of the Currency. The total stock of money in the United States on June 30, 1906, was \$3,069,900,000.

Mr. ALDRICH. Give 1907.

Mr. CULBERSON. I am coming to that. On June 30, 1907, it was \$3,115,600,000, being an increase of \$45,700,000. The amount of coin and other money not in the Treasury or banks June 30, 1906, was \$1,725,900,000. In 1907 the amount was \$1,666,500,000, a difference of \$59,400,000.

Mr. ALDRICH. Those are the same figures.

Mr. CULBERSON. Mr. President, while I have the floor, and it not being quite 2 o'clock, as reference has been made to the bill which I introduced some time ago and which is now pending before the Committee on Finance, with reference to reserves, I desire to state why I introduced the bill, which is as follows:

*Be it enacted, etc.* That from and after the passage of this act every national bank shall have and keep on hand in its vaults the reserve of lawful money provided for by law. All laws and parts of laws which authorize national banks to have and keep part of their reserve with other national banks, and all laws and parts of laws otherwise in conflict herewith, are hereby repealed.

Mr. TALIAFERRO. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Florida?

Mr. CULBERSON. Certainly.

Mr. TALIAFERRO. I submit to the Senator from Texas that not one dollar of that reserve could be legally used.

Mr. CULBERSON. I do not so understand the law. Of course I may be mistaken, but the purpose was to keep that money in the banks to meet emergencies. If it was not to meet an emergency, what was it to be kept there for?

Mr. CLAPP. Will the Senator from Texas pardon an interruption?

Mr. CULBERSON. Yes.

Mr. CLAPP. It seems to me—certainly my understanding is—that if a bank in the country had a reserve in its vault it could not have used a dollar of that reserve without violating the law. If the Senator is right, it is of the utmost importance certainly that we should understand at this point in the discussion which is the correct view. I appeal to the Senator from Rhode Island.

Mr. CULBERSON. Does the Senator mean that that is absolutely necessary?

Mr. CLAPP. Certainly not absolutely necessary.

Mr. ALDRICH. The law undoubtedly requires that the reserve shall be maintained, and if the bank fails to maintain it, the Comptroller can take possession of the bank.

Mr. CULBERSON. That is not my understanding as to deposits. Of course I may be mistaken about it, but I was saying that the purpose in the bill I have introduced was to keep on hand a reserve in the banks in the interior for the purpose of meeting extraordinary runs which may be made upon the banks by depositors.

What is the one hundred and fifty million gold reserve in the Treasury vaults for? It is true that the Secretary of the Treasury is required to keep that amount of gold in the Treasury, but when a gold obligation is presented to him he is required to pay it.

Mr. TELLER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Colorado?

Mr. CULBERSON. Yes.

Mr. TELLER. I call the Senator's attention to the fact that this is for a specific purpose.

Mr. CULBERSON. Certainly; I understand that.

Mr. TELLER. And it is not subject to the control of the Treasury except for the redemption of greenbacks.

Mr. CULBERSON. I understand that, Mr. President, but I was only illustrating the object of a reserve. It is to meet an extraordinary occasion that may arise. The idea of the bank reserve is that all the country banks should keep on hand in cash 15 per cent of their deposits, as it would in all probability meet any demand which might be made upon them by their depositors.

Mr. HEYBURN. If the Senator will permit me—

Mr. CULBERSON. Certainly.

Mr. HEYBURN. I think that the banking law fully bears out his statement that the reserve may be used temporarily for purposes of meeting unexpected conditions arising in the bank. I refer to the national banking act as it is issued by the Comptroller of the Currency during this year, page 24, section 95. It provides that where the reserve is found unexpectedly decreased below the amount fixed by law the Comptroller may give notice and require it to be made good within thirty days. That contemplates that it may be brought down by extraordinary circumstances.

Mr. OWEN. Mr. President, I wish to submit an amendment which I intend to propose to the pending bill, and upon which I wish to submit some remarks at the convenience of the Senate.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Oklahoma will be printed and lie on the table.

Mr. TALIAFERRO. Mr. President, I had not intended to have anything to say in reference to the pending financial bill this morning. I was drawn into it unwittingly by the Senator from Maryland [Mr. RAYNER]. While I have no disposition to comment on the chairman of the Finance Committee, who took occasion to state to the Senate the attitude of certain members of the committee on this bill, I am unwilling, in view of the nature of some of the Senator's remarks, to have them go to the country without a word of reply from me.

The Senator from Maryland said that his constituents were the business men, the merchants of his State, and further made a statement which implied that those who favored the striking out of the section of the bill which he wished retained had done so in the interest of dividends to the stockholders of national banks.

Mr. President, I represent as honest a constituency on this floor, as business-like a constituency, as intelligent and upright a constituency as does the Senator from Maryland or any other Senator. I have no disposition to serve the national banks. On the contrary, I think that the national banks should be required in return for what they get from the Government to pay interest on the Government deposits; but I am unwilling to see them handicapped in any way by such a provision as the Senator from Maryland would write in this bill.

I have a statement before me which shows that the total deposits in national banks of the United States subject to reserve requirements on December 3, 1907, amounted to \$4,906,684,037. If the percentage of reserves, as suggested by the Senator from Maryland, is increased from 6 to 10 per cent and if it were applicable to the entire amount of deposits in the national banks, it would result in a contraction of the lending capacity of the banks of nearly \$200,000,000.

We are not here, as I understand, to inflate the currency. There is no disposition on the part of anybody I have heard of to inflate the currency. The measure brought into the Senate, while I do not agree with it in many particulars, was intended purely as an emergency measure, to be used only at such times as conditions might absolutely demand it.

There is a clause in the very first part of the bill which makes this emergency provision available to the banks which have taken out 50 per cent of their capital in circulation. I intend to move at the proper time that that be increased to 70 per cent, because I hold that the national banks should be required to furnish the money to the country that the business of the country absolutely needs.

Since the chairman has disclosed the proceedings of the committee, I may say that I contended in the committee that a hundred per cent of the capital stock should be taken out in circulation. When I was confronted by the fact that there were not United States bonds enough outstanding to enable them to do that on a United States bond-secured currency I reduced the

percentage to 70 per cent, which I shall propose in the Senate at the proper time as an amendment.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from Rhode Island?

Mr. TALIAFERRO. I do.

Mr. ALDRICH. I am quite willing to admit that I was betrayed into doing something which I ought not to have done and stated the views presented in committee, but the Senator from Maryland was so pointed in his question that I was led to suggest that the Senator from Florida had occupied a different position from what the Senator did on this subject. I am quite sure that I was wrong in making the suggestion which I did, and I apologize to the Senator from Florida.

Mr. TALIAFERRO. All right, Mr. President. I had no objection to the Senator from Maryland or the people of the country knowing what my attitude was in the committee, as is shown by the fact that I told the Senator what it was this morning, and I was therefore surprised that he should have asked the question on the floor of the Senate.

So, Mr. President, I am unwilling to have it go to the country on the statement of the Senator from Maryland, by implication or otherwise, that I am here representing any national bank or the stockholders of any national bank. I am here to see, as far as I can, that the banks live up to the law, and I am here to put upon the banks such conditions and requirements as will compel them under the law to furnish to the country the currency that is needed to do the business of the country.

Mr. ALDRICH. The Senator from Oklahoma [Mr. OWEN] said that he would desire to address the Senate upon the amendment he submitted. Is it his pleasure to go on to-day?

Mr. OWEN. It is not my wish to go on to-day, but in three or four days I will be prepared to speak.

Mr. ALDRICH. If there is no other Senator who desires to speak, I suggest that we allow the bill to go over until to-morrow and take it up at 2 o'clock to-morrow.

Mr. HEYBURN. I should like to submit to the Senate while there is, comparatively, a full attendance that if we could have probably four or five hours for the consideration of the unfinished business we would be able to get it out of the way and leave the Senate unencumbered by something which does not seem to attract very much attention, at least as indicated by the attendance. I thought, perhaps, we might arrive at some understanding by which it would be considered time well spent in the interest of prompt procedure along other lines that that bill should be taken up and the consideration of it completed.

I do not desire to delay or hinder the consideration of the pending bill. Of course, I cheerfully lay aside the unfinished business for the consideration of the financial measure, which is deemed to be of very great importance, and is; but if by general consent of the Senate we could proceed with the consideration of the unfinished business until it is finished it would then relieve the situation. I think, perhaps—probably in one session—with an attendance that would enable us to give it thorough consideration and come to a vote, we would be able to dispose of it.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

Mr. ALDRICH. I shall not bring to the attention of the Senate again to-day the financial bill. So the Senator from Idaho has four or five hours now at his disposal.

#### REVISION OF THE PENAL LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. TELLER. I understand that the Senator from Idaho, who has the bill in charge, asks that we may agree to continue its consideration until it is disposed of.

Mr. HEYBURN. The time having arrived, pending the consideration of my suggestion, and the bill being now before the Senate, it is entirely probable that before adjournment to-day we may be able to dispose of it.

Mr. TELLER. If we do that, it is all right, but I am not willing to agree to take up the bill to the exclusion of everything else and proceed with it until it is concluded.

Mr. HEYBURN. No; I did not intend to ask that it be taken up to the exclusion of everything else, but that it be given as much time for consideration as possible.

The VICE-PRESIDENT. The sections passed over have been read to the end of section 114 on page 56.

Mr. HEYBURN. I was going to ask the Senate to recur to a section not disposed of, but I notice that the Senator from Georgia [Mr. BACON] is not present. Perhaps he is conven-

iently at hand. I ask that we proceed with the consideration of section 115.

The VICE-PRESIDENT. The Secretary will read section 115.

The Secretary read as follows:

SEC. 115. [Whoever, being elected a Senator, Member of or Delegate to Congress, or a Resident Commissioner from any Territory of the United States, shall, after his election and either before or after he has qualified, and during his continuance in office, or being the head of a Department or other officer or clerk in the employ of the United States, shall, directly or indirectly, receive, or agree to receive, any compensation whatever for any services rendered or to be rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any Department, court-martial, bureau, officer, or any civil, military, or naval commission whatever, shall be fined not more than \$10,000 and imprisoned not more than two years; and shall, moreover, thereafter be incapable of holding any office of honor, trust, or profit under the Government of the United States.]

Mr. BORAH. I desire to offer an amendment at this time. I move to insert the word "court," in line 13 of the original bill, after the word "Department."

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment, which will be read.

The SECRETARY. On page 57, line 24, after the words "before any Department," insert the word "court," so as to read, "before any Department, court, court-martial, bureau, officer, or any civil, military, or naval commission whatever."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. TELLER. I do not see any necessity for an amendment precluding Senators and Members from practicing in the courts of the United States. If that is the purpose of it, I am against it.

Mr. BORAH. This section purports to preclude a Senator or Representative in Congress from practicing where the United States Government is interested before a Department, or court-martial, or any other part of the Government. The same reason should apply with reference to practicing in United States courts where the Government is interested as applies to any other Department. If there is any occasion for the statute at all, it should apply with reference to the courts the same as to courts-martial or a Department or any other part of the Government.

I do not contend that there is any great necessity for the statute as a law, but there is certainly no reason which can be suggested for the enforcement of the law with reference to a court where the Government is interested in the proposition.

Mr. TELLER. There are various cases in which the Government is not financially interested in which there can be no reason why such a man should not make a fee if he chooses. I do not want to enlarge the law. It is a repetition of the act of 1864, as I recollect. The Government may be in a case in court only nominally, and yet the Government would have an interest in it that would make the Government a party, I suppose, within the meaning of the law.

This is an attempt to prevent what had grown up to be somewhat of an evil immediately after the war. There was some scandal about the system of doing business. We had a case where a military officer holding a high office under the Government went into a court-martial with his regimentals on, and as a paid attorney, appeared before the court-martial. That is one of the cases which attracted the attention of the public at the time.

Up to 1864 there never had been a law on this subject. Some who were elected to Congress practiced law and took fees in cases where the Government was directly interested. Most did not do it, but some of the best men we had in the public service were known to take fees in suits against the Government of the United States.

If any Senator will take the debates of 1864, when this act was passed, he will discover that it was hotly contested by some of the best men who were ever in the Senate. The act is defective in principle, because it does not make it an offense for a man to appear in a case where the United States is interested, but makes it an offense for him to take pay for it. The offense should consist in appearing at all. I think ordinarily a man should not appear in a case where it is possible that the Government should have any interest financially, or I might say morally. Yet the section is undoubtedly full enough to cover all cases, and I do not see why we should include in it the courts.

Mr. President, I do not care much whether you put "court" in the section or not. I want to say what I have said before, that I do not believe when the act was passed it was intended that when the Government had any interest other than financial there should be any prohibition of a Senator or a Member from

appearing in the case. The debates will show that it was confined entirely at the time to the financial interest the Government might have in the transaction, and it was intended to apply to no other cases. It is almost impossible to say that the Government is not interested in almost everything that concerns the morals and health of the people of the United States. It has been construed by the Supreme Court of the United States, by a divided court, to mean more than anybody supposed the act meant when it was passed.

If it could be confined simply to the interest of the Government, I think it would be well enough to put "court" in, just as well as "Department," although the primary purpose was that a Senator or Member should not go before a Department when the Department depended largely upon the good will of the Senate or the House for its usual appropriations, and he was supposed to exercise some influence that he ought not to exert.

Mr. SUTHERLAND. Mr. President, I am not in favor of the amendment proposed by the junior Senator from Idaho. I can see very good reasons for the law as it is now found in the statute books, which, in effect, forbids any Senator or Member of Congress from appearing for compensation before any Department or bureau or officer of the Government, because the relations of a Senator or Representative to the Departments is of such a peculiar and intimate character that he may have peculiar influences in matters before a Department or before an officer. But I do not think that any of those reasons obtain in practice before a court.

If the amendment suggested by the Senator from Idaho should be adopted, it would forbid a Member of Congress from defending any person charged with a criminal offense before any court of the United States. Of course in a case of that kind his influence over the court would be no greater than that of any other attorney practicing at the bar.

I think it is altogether a matter of taste. My opinion about it is that a Senator or Representative ought not to appear before a court in any case in which the United States is involved. Since I have been a member of this body I have always declined to appear in any such cases, and I would not take such a case; but to make a breach of taste a criminal offense, punishable by imprisonment, as this law provides, not to exceed two years, and by a fine of \$10,000, it seems to me is going altogether too far. I am not in favor of any such amendment.

Mr. BORAH. Mr. President, it occurs to me, as I said a moment ago, that the same reason which applies with reference to a Department must necessarily apply with reference to a court. It can not be said, I think, with any degree of assurance, that the influence in the Department would be any greater than that which might obtain with reference to certain features of the case if it were before a court.

The law here provides a very heavy penalty. It provides that in any—

Claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any Department, court-martial, bureau, officer, or any civil, military, or naval commission whatever, shall be fined not more than \$10,000 and imprisoned not more than two years.

It is a well-known fact, and a most important fact, that those things in which the Government is most concerned very often pass from the halls of legislation directly to the court, and in that forum are settled.

The fact suggested by the Senator from Utah, that he would not accept a fee nor appear under such conditions, is a primary reason why it should be inhibited as an entirety because the practice is wrong. I submit that those who are here for the purpose of legislating must stand in such a position that they are not disqualified in any respect whatever, either by previous employment or by anticipated employment, with reference to those matters in which the Government of the United States is concerned. It can not be said that it applies to a Department and would not apply to a court, because the courts are human just the same as the Departments.

Mr. HEYBURN. Mr. President, I would direct the attention of the Senator from Idaho to the language preceding the proposed amendment. It is very broad. It says that no person, naming the class—

Shall, directly or indirectly, receive, or agree to receive, any compensation whatever for any services rendered or to be rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested.

I have omitted the words with reference to the criminal proceedings.

It will be evident that the law as it exists is broad enough to cover proceedings in the Departments other than criminal matters. If the word "court" is inserted, then Members of

Congress would be prohibited from appearing as attorneys in controversies under the provisions of section 2326 of the Revised Statutes of the United States, which is the section providing for contests in support of adverse claims filed against applications for mining patents. The United States Supreme Court in the case of *Gwillian v. Donnellan* and in subsequent decisions held in effect that since the passage of the act of 1882—March 3, I think—the United States was a party to litigation involving the question as to who was entitled to a patent or as to whether any party was entitled to a patent. The act of Congress to which I referred provides that in the event neither party shows himself to be entitled to a patent the jury shall so find, and judgment shall be entered accordingly. In construing that statute the United States Supreme Court held that the Government of the United States was a party to all suits brought under the provisions of section 2326 of the Revised Statutes.

I cite that as one of the instances of a class of cases where the United States is interested within the meaning of the language used in this section. There would be no occasion for amending the proposed law by inserting the word "court" if by such an amendment you would preclude Members of Congress who happen to be attorneys and who practice law, when their duties will permit them to engage in doing so, from taking cases of that kind. There are a number of classes of such cases other than the ones to which I have directed attention. If the statute is to be amended by prohibiting Members of Congress from appearing as attorneys in cases in which the United States is interested, then it should provide explicitly, so as to limit the right to the class of cases to which I have referred. It would perhaps be appropriate to provide that no Member of Congress should appear as an attorney in a court of the United States against the Government of the United States in any case in which the Government has a real interest; but to provide that in every case in which the Government is directly or indirectly interested, without defining the character of the interest, as to whether or not it be such an interest as I have referred to or whether it be the interest in maintaining the law, would seem to me to be too wide a restriction. I merely call the attention of the Senator from Idaho to the effect of the amendment as it would apply to these civil actions.

Mr. BORAH. Mr. President, just a word further in regard to this matter. In the first place, there are many reasons suggested for the law as it now stands. As has been suggested, one of the strong reasons is the influence which is supposed to accompany a man who occupies a position in this body or in the House of Representatives. That is one of the reasons which has been suggested from time to time in support of the law as it stands without the amendment.

Now, with reference to the matter which has been suggested by the Senator from Idaho [Mr. HEYBURN], it does not occur to my mind as any reason obtaining with reference to this particular kind of litigation which might not arise with reference to any other kind of litigation.

But there is another side to the controversy aside from that of the interest of the Government, and that is the man who is contending in litigation against the Government. I maintain that the position of a United States Senator should not be used in the courts or elsewhere or in any other way than that of a legislator, and that he ought not to appear before any Department or court, because of the influence or because of the effect that his appearance there might have upon those contending against him. The same rule precisely applies with reference to the courts and the Departments in that respect. If the statute is too broad with reference to any particular matter, let it be limited.

If the law were in its first enactment, there might be much said against its enactment as a law at all; but in view of the fact that the wisdom of the legislators heretofore has seen fit to crystallize it into a statute, for the very reason which I have suggested and for the single reason that it applies to the Departments, it should also apply to the courts of the United States, because the complaint is being made, and it is abroad in the land, that these influences are used in the courts for the purpose of accomplishing and doing what ought not to be done.

Mr. McLaurin. Mr. President, I should like to have the pending amendment stated.

The PRESIDING OFFICER (Mr. GAMBLE in the chair). The amendment will be again stated.

The SECRETARY. In section 115, on page 57, line 24, after the word "department," it is proposed to insert the word "court," so that if amended the section will read:

SEC. 115. [Whoever, being elected a Senator, Member of or Delegate to Congress, or a Resident Commissioner from any Territory of the

*United States, shall, after his election and either before or after he has qualified, and during his continuance in office, or being the head of a department, or other officer or clerk in the employ of the United States, shall, directly or indirectly, receive, or agree to receive, any compensation whatever for any services rendered or to be rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any department, court, court-martial, bureau, officer, or any civil, military, or naval commission whatever, shall be fined not more than \$10,000 and imprisoned not more than two years; and shall, moreover, thereafter be incapable of holding any office of honor, trust, or profit under the Government of the United States.]*

Mr. TELLER. Mr. President, this provision will undoubtedly include every civil case. In the mining regions there are large numbers of controversies between miners, where the Government is a nominal party, but having no interest whatever in them. There is a controversy, we will say, between two men as to a patent. The patent may have issued to the wrong person; it is immaterial to the Government whether John Smith or Richard Jones gets the patent; but a suit is brought to determine which one of the parties is entitled to the patent, and the Government must be a party to the suit. This provision would cut out from appearing in the case any lawyer who happened to be a Member of the House of Representatives or a Senator.

Mr. President, I am not now in the practice of the law, and have not been for a good many years; but I have seen many cases, and have been connected with cases, which would fall within this rule; and if I had been practicing after I had been elected a Senator there would have been no impropriety whatever in my taking a fee, because the Government would lose nothing whichever way the case might be decided. I think that this is a pretty strict law as it is, but it should not be extended so as to apply to such cases as these.

I do not agree with the Senator from Idaho that the courts are so weak or wicked, whichever he may call it, that the presence of a Senator or a Member of the House of Representatives is going to secure a judgment. That, I think, is an unwarranted reflection.

Mr. BORAH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. TELLER. Certainly.

Mr. BORAH. Does the Senator from Colorado say that the heads of Departments are weak and are amenable to such influences?

Mr. TELLER. I do not believe that this provision had any application, or ever ought to have had any application, to the heads of Departments, but we are not proposing to change it. I do say, however, Mr. President, that it is a reflection upon the courts at least to say that a Senator or a Member of the House of Representatives appearing before them could secure a verdict or a decision which he would not get if he did not happen to be a Senator or Representative.

Mr. CLAY. Mr. President, with the Senator's permission, before he takes his seat, I should be glad to ask if that amendment were adopted could a Member of Congress defend an accused man in a United States court in a criminal case? Is it not the fact that the United States is a party to every criminal case in a Federal court; and, therefore, would a Member of Congress be permitted to practice law to any extent under the provisions of this bill, especially in criminal cases?

Mr. TELLER. Of course it would include every case where the Government was a party, whether really or nominally. I think Senators who are interested in this matter would do well to examine the debate which took place when the original law was enacted and read the speech then made by Senator John P. Hale against the bill. I doubt whether there was a better man morally in the Senate than John P. Hale. In that speech he made a very vigorous and able remonstrance against the bill at that time. I do not see any need, Mr. President, for now extending its provisions.

Mr. McLAURIN. Mr. President, I do not believe that the fact of a lawyer being a Senator or Representative in Congress will have any undue weight with the courts. I do not believe because there is a provision of law that Senators and Representatives in Congress shall not be permitted to practice before the Departments, or to receive compensation for any influence they may exert in behalf of their constituents before the Departments, that is any reason why Senators and Representatives should be forbidden to practice before the courts of the country where the United States Government is a party. But if it be a fact that a Senator or a Representative does exercise undue power and influence over the courts, it were better to have that power and influence exercised in behalf of a de-

fendant than to have it exercised in behalf of the Government in the prosecution of the defendant.

Many men are dragged before the courts, sir, who are entirely innocent of the charge preferred against them by the indictment. They are carried away from home to a county other than the one in which they live; they are strangers, except in their immediate vicinage, and they are tried when they have no means of securing the attendance of witnesses in their behalf; they have scanty means to employ an attorney, and if it may be that the powerful influence of a Senator or Representative, as depicted by the Senator from Idaho [Mr. BORAH], may be brought by the Government against such a defendant, surely even-handed justice should permit this influence to be brought in the defense of the defendant. He is presumed to be innocent until his guilt appears by the verdict of the jury and the judgment of the court.

As has been said by the Senator from Colorado [Mr. TELLER], miners are brought before the courts on charges, and they are to be tried; farmers are brought before the courts on charges when they are indicted, and when they are perfectly innocent, and they are to be tried. What reason can be given for the permission that this influence, whether it be real or imaginary, which a Senator or a Representative in Congress exercises over a court should be exercised in behalf of the Government for oppression and not in behalf of the defendant for his defense? There could be no reason for permitting a Senator or Representative to prosecute a defendant in court that is not a good reason for permitting that defendant to employ an attorney, though Representative or Senator he may be, to defend him in the same court.

I do not believe, as I said at the outset, there is any undue exercise of influence over the court by reason of the fact that a lawyer who appears before it is a Senator or a Representative. It sometimes happens that a lawyer of great power of intellect and profound learning in the lore of his profession is able, by the mere fact of his name, to exercise an influence upon courts and juries that no Senator, because of the name of Senator or Representative, because of the name of Representative, could exercise upon juries or upon courts.

Courts have respect for the opinions of lawyers who practice before them higher than that which they have for the opinions of Senators and Representatives. The fact is that the man who is engaged constantly at the bar in the practice of his profession is supposed by the courts, and properly so, to be better up on the practice than Representatives and Senators who are supposed to give their attention to legislative matters. The Senator himself will recognize the proposition that a lawyer is supposed to be a better lawyer, a better practitioner, with more influence with courts and juries, before he has been in the Senate or the House of Representatives any considerable time than he is afterwards. I submit, sir, that this section ought to be passed as it is, without amendment, and I hope the amendment will be voted down.

Mr. BORAH. Mr. President, the Senator seems to read the section differently from what I do. It does not permit a man to appear in a case where the United States Government is a party any more to prosecute than it does to defend, or vice versa. If a man should be arrested under such conditions as have been so vividly pointed out by the Senator, and it appears that he can not have a fair trial without the influence of a Senator, there is no reason in the world why his Senator should not appear and defend him if he does not want to accept any pay for it. He can appear for the purpose of protecting his client if he does not accept any compensation; and I think those who drew this bill acted very wisely in condemning the acceptance of compensation in such cases, because he will not likely appear very often unless he is paid.

So far as the question of influence upon the court is concerned, I do not care to discuss that any further than to say that we must admit that the same rule which applies with reference to the Departments must necessarily apply with reference to the courts. It appears that once in a while the courts get into politics, become interested in such questions, and are more or less concerned with reference to results, as we all know. We have had some experience along those lines. I have not been in the Senate long enough to know whether a man ceases to be a lawyer after he gets here, as suggested by the Senator from Mississippi, but I know a great many of them practice after they get here who did not practice before.

Mr. McLAURIN. Now, let us see whether it will apply to the Government of the United States—

Any compensation whatever for any services rendered or to be rendered to any person, either by himself or another—

That is, whether the services are to be rendered by himself

or by another. That would not include the United States. A Senator could be employed under that provision for the purpose of representing the United States, because he would not then be rendering any service to any person.

Mr. BORAH. Mr. President, that would not preclude a Senator from appearing in defense of his client if he desired to do so without compensation, as I said.

Mr. McLAURIN. I will answer that part of it in a moment. But that cuts out the proposition of the Senator that it would preclude a Senator or Representative from practicing in a court in behalf of the Government. It would not shut him out from prosecuting in a court, as the Senator must see by reading this provision.

Now, as to volunteering or rendering service to a client. Since I have been a United States Senator I have not appeared for compensation in the defense of any man indicted in the Federal courts so far as I now recall, but I have volunteered my services to defend in United States court without fee. I defended men in the Federal court in a case where there were several hundred of them indicted who were, as I thought and think now, innocent. They belonged to a lawful organization, the Farmers' Union, which was then in its infancy in the State of Mississippi.

Although the union was a lawful order, organized for a lawful aim, four or five men who were members of the organization were charged with committing an offense, and thereupon all the members of the union in the two counties were indicted on the ground that everybody who belongs to an illegal organization or an organization organized for any illegal purpose is liable for the acts of all the others, a false premise in this case. They were not organized for any unlawful or lawless purpose. The purpose of their organization was lawful, but a detective had been down among them—and like detectives generally, who think they must bring back game in their bags or be considered not to have earned their money—this detective managed to have these men indicted. I appeared for them voluntarily, without any fee, but there could have been no reason why any Senator or Representative in Congress should not have been permitted to defend them for a fee. Why should there be a law that would prevent a Senator or Representative who is a lawyer from defending one of those men, but would permit a Senator or Representative to use his influence—if there is any influence unduly used—before the court against them and for the prosecution?

Mr. BORAH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. McLAURIN. Certainly.

Mr. BORAH. Suppose one of those farmers had had a matter before a Department which was of prime concern to him and of much interest to him and he had offered to employ you, is there any reason why you should not have been employed?

Mr. McLAURIN. Yes, sir; a very good reason.

Mr. BORAH. What is it?

Mr. McLAURIN. Because when you are before the Departments you are representing your constituents in an official capacity; you are performing an official act for them. It is part of a Senator's duty to represent them before the Departments. But when he represents them in a court of justice he is not representing them as an official. There is a vast difference. The Senator can go up and perform a function before the Departments that a private citizen can not. Why? Not because there is any corruption in the Department, not because there is any weakness in the Department, but from the fact that that Department understands that the Senator is before them as an official of the United States and that his act is an official act. That is the reason Senators should not be permitted to practice for compensation before the Departments.

Mr. BORAH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. McLAURIN. Yes.

Mr. BORAH. Does the Senator contend that a Senator always represents a party in an official capacity before the Departments?

Mr. McLAURIN. If he is acting as an official, he does—if he is acting as Senator.

Mr. BORAH. Yes, if he is acting as an official; but there are many instances in which when he goes there he is not acting as an official at all.

Mr. McLAURIN. I do not think so.

Mr. BORAH. I apprehend that it would not be necessary to have any law to prohibit a Senator from going before the Departments and taking compensation for his work when he was

acting officially. Certainly, this law is not designed for the purpose of preventing a Member of Congress from taking compensation when he is acting officially before a Department.

Mr. McLAURIN. When the Senator goes before a Department with a recommendation for the appointment of an official he is doing that as a Senator; when the Senator goes there for the purpose of looking into some land matter for one of his constituents he is representing his constituent. He is doing that as a Senator. What act is it that the Senator can go before a Department and perform which is not an official act?

Mr. CLAY. Will the Senator permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. McLAURIN. With pleasure.

Mr. CLAY. I ask the Senator, is there not an important distinction between practicing before a Department and a court?

Mr. McLAURIN. Undoubtedly.

Mr. CLAY. Just one moment, with the Senator's permission—

Mr. McLAURIN. Certainly.

Mr. CLAY. Take the Post-Office Department. We appropriate \$200,000,000 a year to run it. That Department gets its very life from Congress. That Department makes its recommendations to Congress. It is constantly asking favors of Congress. Consequently, a Member of Congress will have greater influence with the Department than a private citizen. I can see why a Member of Congress would think it improper to practice before the Departments regardless of explicit law. The Departments of the Government get their life from Congress; they get the money to support them from Congress. But when you come to the courts, the courts are under no obligation to Congress. Their judges hold their offices for life, with fixed salaries. There is quite a distinction between the two, and I think the Senator from Mississippi [Mr. McLAURIN] is eminently correct.

Mr. McLAURIN. I thank the Senator from Georgia for that statement, because every word of it is perfectly sound. The difference between going before the Departments for the purpose of representing not a client, but a constituent, and going before a court for the purpose of representing a client is just as wide as distance.

Mr. BORAH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. McLAURIN. Certainly.

Mr. BORAH. How would it be with reference to a court-martial?

Mr. McLAURIN. There is a provision here against their appearing before a court-martial.

Mr. BORAH. Yes. What difference is there between that and a court?

Mr. McLAURIN. I do not know about that. I do not see any difference, so far as I am concerned, but it is in here. I did not put it in here. I am not responsible for it. The Senator need not "shake his gory locks at me."

Mr. BORAH. Mr. President, it is not my locks which the Senator need be afraid of, but the law.

Mr. McLAURIN. I am not afraid of the law. The law protects me.

Mr. BORAH. I am not censuring the Senator from Mississippi or any other Senator for putting this provision in. I am simply saying that the reason for the law's existence now applies equally to its extension to the courts.

Mr. McLAURIN. Then would the Senator have the word "court-martial" stricken out?

Mr. BORAH. No, sir; I would have the word "court" put in, as I suggested.

Mr. McLAURIN. Mr. President, as suggested by the Senator from Georgia [Mr. CLAY], the Post-Office Department is a Department that gets its appropriations from Congress. The Post-Office Department relies a great deal upon Senators and Representatives to make recommendations for appointments in the different States and districts, and, relying upon them, it would be a great absurdity to say when the Post-Office Department calls upon a Senator or Representative, or permits him to come without being called upon, to recommend a man for office, that Senator or Representative should be permitted to receive compensation for that; to sell his influence, to sell his official action, in other words, for money. In this commercial age that might be considered by some as good business, but I do not think the Senate of the United States so considers it. I hope the amendment of the Senator from Idaho will be promptly voted down.

Mr. BORAH. I ask that the amendment go over for to-day. I desire to prepare a more extensive one.

The VICE-PRESIDENT. The Senator from Idaho asks that the pending amendment may lie over.

Mr. HEYBURN. I have no objection to its going over.

Mr. TELLER. I have no objection to voting on the amendment, but the Senator from Idaho asks that it go over.

The VICE-PRESIDENT. The amendment will lie over. The next section passed over will be read.

The Secretary read the next section passed over, as follows:

SEC. 116. [Whoever, being elected a Member of or Delegate to Congress, or a Resident Commissioner from any Territory of the United States, shall, after his election and either before or after he has qualified, and during his continuance in office, directly or indirectly, himself or by any other person in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract or agreement made or entered into in behalf of the United States by any officer or person authorized to make contracts on its behalf, shall be fined not more than \$3,000. All contracts or agreements made in violation of this section shall be void, and whenever any sum of money is advanced by the United States in consideration of any such contract or agreement it shall forthwith be repaid; and in case of failure or refusal to repay the same, when demanded by the proper officer of the Department under whose authority such contract or agreement shall have been made or entered into, suit shall at once be brought against the person so failing or refusing and his sureties for the recovery of the money so advanced.]

Mr. HEYBURN. The existing law provides for an arbitrary fine of \$3,000. The court is given no option whatever. The committee has reported this section with an amendment, inserting the words "not more than," so as to read "not more than \$3,000." I think outside of that there is no material change.

The Secretary read as follows:

SEC. 117. [Whoever, being an officer of the United States, shall on behalf of the United States, directly or indirectly make or enter into any contract, bargain, or agreement, in writing or otherwise, with any Member of or Delegate to Congress, or any Resident Commissioner from any Territory of the United States, after his election as such Member, Delegate, or Resident Commissioner, and either before or after he has qualified, and during his continuance in office, shall be fined not more than \$3,000.] (R. S., s. 3742.)

SEC. 118. Nothing contained in the two preceding sections shall extend, or be construed to extend, to any contract or agreement made or entered into, or accepted, by any incorporated company, where such contract or agreement is made for the general benefit of such incorporation or company; nor to the purchase or sale of bills of exchange or other property by any Member of or Delegate to Congress, or Resident Commissioner, where the same are ready for delivery, and payment therefor is made, at the time of making or entering into the contract or agreement.

Mr. CULBERSON. Mr. President, I stated a week or two ago that I desired to offer an amendment to the bill covering the giving out of information by an officer of any Department prior to its official deliverance by the Department, in so far as it might affect market values of agricultural products, the object being to cover the case which arose in the Department of Agriculture with reference to the cotton yield.

In another body on the 21st of January an amendment known as section 119a was adopted having this purpose in view, and I offer it here now, and trust that the Senator in charge of the bill may see fit to allow it to be adopted.

The VICE-PRESIDENT. The Senator from Texas proposes an amendment, which will be stated.

Mr. SUTHERLAND. When the Senator from Texas offered his amendment before, he suggested that it come in after section 119, and it was suggested by the Senator from Idaho, I think, that it would better come in at the end of the chapter, after section 124, to which I understood the Senator to assent.

Mr. CULBERSON. The statement of the Senator from Utah is entirely correct. Probably I ought to have stated a while ago that I offered it to be inserted at this place, because a similar amendment has been adopted in another body at this point as section 119a.

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas will be stated.

The SECRETARY. On page 60, after line 14, add, as a new section, the following:

SEC. 119a. Whoever, being an officer or employee of the United States or a person acting for or on behalf of the United States in any capacity under or by virtue of the authority of any Department or office thereof, and while holding such office, employment, or position shall, by virtue of the office, employment, or position held by him, become possessed of any information which might exert an influence upon or affect the market value of any product of the soil grown within the United States, which information is by law or by the rules of the Department or office required to be withheld from publication until a fixed time, and shall willfully impart, directly or indirectly, such information, or any part thereof, to any person not entitled under the law or the rules of the Department or office to receive the same; or shall, before such information is made public through regular official channels, directly or indirectly speculate in any such product respecting which he has thus become possessed of such information, by buying or selling the same in any quantity, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

Mr. TELLER. Mr. President, this is a modification of existing law, and while I presume it is in order to offer such an amendment, it is contrary to the purpose of the Codification Commission and contrary to the universal rule of codification.

It may be a very good amendment; the principle may be very good, and possibly it ought to be adopted, but if it is adopted it should be in a separate bill.

If we commence putting in the bill all the things that ought to go in we will not get through with this bill at the present session. There are a great many things that ought to go in, but they will be left out, undoubtedly, unless we commence a general amendment of the laws. If we do, then everything will go on. If the committee allow these things to go on now we will be at it indefinitely. I am not opposed to the principle of the Senator's amendment. I do not know about the phraseology of it, but the idea that Government officials shall maintain secrecy where they are charged with secrecy is all right. That is all there is about it. That is what I think they should do. But I do not think we should go beyond a mere revision of the laws as they now exist. The purpose is to put the statutes now existing in proper form and not to enact a lot of new ones.

Mr. HEYBURN. Mr. President, the suggestion of the Senator from Colorado is directly in line with the policy that was adopted and has been thus far pursued by the committee, to treat this work as a revision of existing law and not as the enactment of new statutes, for the very good reason that any proposition of original legislation in Congress should go to the standing committees of Congress for consideration. The joint committee is not invested with power to consider new legislation.

I agree with the Senator from Texas that this provision should be incorporated into the laws of the United States, but I think it should go in through the ordinary channels of legislation. I do not believe there would be any serious objection to the enactment of such a law if it were introduced and sent to the proper committee. If we once open the door to new suggestions of legislation, it will be difficult to say whether we can close it or not. There are before me on the desk a great many propositions for the enactment of new laws in connection with the revision and codification of existing law, and to yield to them is rather a dangerous proceeding and might be taken as a precedent which would give us trouble.

The purpose of the amendment commends itself to me and would commend itself unhesitatingly to Congress, and would be enacted without any difficulty, because it is obviously in the interest of confining the officers of the Government to the performance of their strict duty, and providing that they shall not take advantage of official knowledge for the purpose of personal gain either to themselves or their friends. I had hoped the Senator from Texas would not press this amendment, because it is not germane to the law upon which it is sought to be engrafted. We are dealing in sections 119 and 120 with the restrictions upon Members of Congress. Now, this does not propose to restrict Members of Congress, but to restrict the clerical and other officer or employees in the administrative branch of the Government, and if it were to be considered at all it seems to me it ought not to be at this place.

Mr. CULBERSON. I will say to the Senator that I am not a stickler and will not be as to where the amendment shall appear in the bill. If he is willing to accept it as an independent section, I shall be glad to offer it as such.

Mr. HEYBURN. I will say if it is to be considered and adopted at all, it should go in among those provisions affecting executive or administrative officers and not as a part of the chapter pertaining to legislative officers.

Mr. CULBERSON. I have stated that I offered it here simply because another body, where the same measure is pending, has adopted it as section 119a.

I will state, if the Senator will permit me, that this provision in the form of a bill has already passed the Senate and passed the House of Representatives. But it became involved in some matter of conference and never became a law. The measure I propose here is, in a somewhat modified form, not as strong as it was then, that which passed the two Houses. I hope the Senator will agree to the suggestion I made, that the committee accept this amendment, because the bill contains a great deal of new law, absolutely new law, Mr. President, and as I understand, creating new offenses against the United States, changing the penalty, etc. The head note reads:

Existing law is printed in roman; amendments and new sections are printed in italics; sections which have been redrafted or from which any material matter has been omitted, or which have been formed by combining different sections or provisions of existing law are printed in brackets.

Mr. President, this is an important matter. Here is the Department of Agriculture of the United States engaged in securing statistics of the production of cotton in the Southern States. An officer or employee of that Department, taking advantage of his confidential relation to the Department, sold the information to speculators in New York City and created

great disturbance in the market. It occurs to me, when we are allowing other amendments to this bill creating new offenses against the United States, the agricultural interest ought to be protected in the particular which we ask here without any extended argument to have it done. I submit to the Senator that he ought to accept this amendment, it having already passed another House in the consideration of this measure.

Mr. HEYBURN. I am not inclined to be persistent in opposing the insertion of the amendment, but I would suggest to the Senator from Texas that if we are to adopt it it should be as an independent section and under the proper head or within the proper chapter.

Mr. CULBERSON. I am perfectly willing to accept that suggestion.

Mr. HEYBURN. If the Senator will withhold it until we come to those chapters where it would be appropriate as a new section, I am not at all disposed to object to it, because I approve the principle of the legislation.

Mr. CULBERSON. Very well; I accept the suggestion of the Senator and will offer it as an independent section at another place in the bill.

Mr. HEYBURN. I suggest to the Senator from Texas that it will be more proper to offer it when we come to treat of offenses by employees of the administrative department of the Government.

The VICE-PRESIDENT. The Senator from Texas withdraws his amendment. The next passed over section will be stated.

The Secretary read section 125, as follows:

Sec. 125. [Whoever having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, shall willfully and contrary to such oath state or subscribe any material matter which he does not believe to be true, is guilty of perjury, and shall be fined not more than \$2,000 and imprisoned not more than five years.]

Mr. BACON. Is there any other change in the section from existing law than as to the provision in existing law which disqualifies the party thus convicted of the right thereafter to give testimony in court?

Mr. HEYBURN. That is the only change made in existing law. The change consists in the omission of the provision—

Mr. BACON. The idea being that a party should still be a competent witness, and the fact of his having been previously convicted should go to his credibility. It might be necessary to specify that that fact might be given in evidence. It could not be given in evidence by the prosecution unless the defendant himself put his character in issue, and yet the prosecution ought to have the opportunity to prove that fact, in order that it might go to his credibility. It is a rule in criminal law and practice that no evidence can be given against the character of an accused unless the accused himself puts his character in issue by offering to prove his good character. Then the prosecution is at liberty to prove what it can against the character of the accused. But no man when put upon trial can be prejudiced on that trial by having evidence given by the prosecution of his bad character. If we are going to make the change—and I think the change has in it the merit of a correct purpose—it seems to me, in order that the purpose may be effected, that the fact of his prior conviction may go to his credibility and not to his disqualification, it is necessary that there should be an express provision of law that in the prosecution the fact of the conviction could be put in evidence.

I think it would be very well, instead of entirely eliminating that feature from the law as it now exists, to modify it to the extent of simply permitting such proof to be made as would enable the fact of his prior conviction of perjury to go to his credibility.

Mr. HEYBURN. The proposed change in existing law puts the practice in the Federal courts upon the same plane as it is now in nearly all, and I think I may safely say all, the States. It is always permitted under existing law in the States, which is as this section would be with that provision stricken out, to ask a witness whether or not he has been convicted of perjury, and if he denies it you may prove that he has been. That may be done under the law of the States, and it is done without any special provision in the nature of an enactment. It is done under the rules of evidence. It goes to the question of determining the weight of the evidence given by the party.

Mr. McLaurin. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. Certainly.

Mr. McLaurin. I do not claim to be accurate, but my recollection of the common law is that the very conviction of a man of perjury itself renders him incompetent as a witness

in any case thereafter; that it is competent to give in evidence the fact that a party has been indicted for perjury, but it does not exclude him from the witness stand. I am not sure about it, but it is my recollection that the very conviction of a man of perjury renders him incompetent as a witness. I suggest that there is enough in that for the Senator to look into it, because I do not think there is much doubt about it.

Mr. HEYBURN. In the United States court the exclusion of a party who has been convicted of perjury is pursuant to section 5392 of the Revised Statutes, which provides in express terms that such a party shall be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed.

Now, I would suggest in connection with that that it has worked a hardship very often in the States. Parties who have been convicted, but who have prosecuted appeals from the judgment of conviction, have been precluded from testifying in court, and those parties were afterwards relieved from the odium of the charge and the effect of the conviction by the appellate court. Parties other than the persons convicted of perjury have been deprived of the benefit of their testimony in very important legal matters.

Mr. McLaurin. Will the Senator allow me to interrupt him just here?

Mr. HEYBURN. Certainly.

Mr. McLaurin. I was going to say that while that provision is in section 5392 of the Revised Statutes, yet it is very often that a statute is merely declaratory of the common law. The Senator will recall to his mind many instances where that is the fact. This is merely declaratory of the common law, as I recollect it.

Mr. HEYBURN. I will say that the rule of the common law has not been retained in its purity either in England or in this country in regard to matters of evidence. Up to a certain time a witness in the English courts might upon his cross-examination be asked anything that would go to affect the credibility of his testimony. Those who are familiar with the Tichborne case will remember distinctly that a witness on the stand in that case was asked as to the most trivial and the most damaging charges that had been made against him in connection with his life in other cities and in connection with his private life, although it had nothing whatever to do with the issues under consideration, and the court permitted it.

But growing out of that controversy the rules of evidence have been modified and restricted by legislation, because it was so apparent in that case that the rule which was held to be the common-law rule was so open to abuse that it was necessary by legislation to define a boundary beyond which you could not go to discredit a witness who was not a party to the suit, had no interest in it, and was there in enforced attendance in pursuance of a subpoena against which he could make no resistance. So the courts in the interest of protecting such witnesses have modified that rule.

Now, in this country following the consideration of that question, our States by legislation have modified the law as it existed at the time of the adoption of our Constitution, so that there could be no question about it, and to-day in nearly all the State courts, pursuant to the legislation of the States, a party may testify as a witness as to the facts, and it may be shown as against his testimony that he has been convicted of perjury, and the party in whose behalf he testifies may then show that while he has been convicted he is prosecuting an appeal, so as to show that the conviction has not become final; and if he has been convicted and then on appeal has been released, that fact may be shown, and he stands as any other citizen does, clear of the imputation of a crime.

The proposed amendment of the committee here is merely that the rule which pertains in the State courts may pertain in the United States courts, and that a person who is competent in the State courts may be competent in the United States courts. It is in the interest of uniformity in the rules that govern the procedure of the courts in these matters.

The VICE-PRESIDENT. The next passed-over section will be stated.

The Secretary read section 133, as follows:

SEC. 133. Whoever, being a juror, referee, arbitrator, appraiser, assessor, auditor, master, receiver, United States commissioner, or other person authorized by any law of the United States to hear or determine any question, matter, cause, controversy, or proceeding, shall ask, receive, or agree to receive, any money, property, or value of any kind, or any promise or agreement therefor, upon any agreement or understanding that his vote, opinion, action, judgment or decision shall be influenced thereby, shall be fined not more than \$2,000 or imprisoned not more than two years, or both.

Mr. HEYBURN. I call attention to the fact that this section is new law, but not a new principle of law. It extends the pro-

visions of existing law to a new class of officers and to conditions that have arisen since the enactment of the original law, and while it might be said that it is in the nature of proposed new legislation, yet it is not, except as I have suggested. The same can be said of sections 134, 138, and 163, the following sections.

Mr. BACON. Does the Senator think that the words in the section "upon any agreement or understanding that his vote, opinion, action, judgment, or decision shall be influenced thereby" are necessary? They may be harmless, but they seem to me superfluous.

Mr. HEYBURN. I think as a matter of first intention, were I drawing the section, I would not insert those words, but they are not inappropriate. They are rather an elaboration of the thought, but not inappropriate.

Mr. BACON. I said they were harmless, but I thought superfluous.

The Secretary read as follows:

SEC. 134. *Whoever being, or about to be, a witness upon a trial, hearing, or other proceeding, before any court or any officer authorized by the laws of the United States to hear evidence or take testimony, shall receive or agree or offer to receive a bribe, upon any agreement or understanding that his testimony shall be influenced thereby, or that he will absent himself from the trial, hearing, or other proceeding, shall be fined not more than \$2,000 or imprisoned not more than two years, or both.*

SEC. 138. *Whoever being a prisoner, confined in a prison, penitentiary, jail, or other place of detention, or being in lawful custody of an officer or other person by authority of the United States, shall escape or attempt to escape from such prison, penitentiary, jail, or other place of detention, or custody, shall be fined not more than \$1,000 or imprisoned not more than seven years, or both.*

Mr. HEYBURN. I reserved the right in the committee to suggest my objections to section 138, which makes an attempt to escape by a prisoner in the custody of an officer or in jail a felony.

I have not very much sympathy with that kind of legislation. I think that the officers intrusted with the custody of prisoners should be responsible for their safe-keeping, and if a man who is in the position of a prisoner, either before or after conviction, in that inclination to obtain his liberty which is deep seated in every human being, undertakes to escape, I think the sole responsibility should rest upon the officer, and that it should not be made a crime for the criminal already under conviction, charged with a crime, to attempt to protect himself by that universal law of nature which appeals to all of us.

I therefore submit that section to the wisdom of the Senate.

Mr. BACON. I should like to inquire of the Senator whether his objection is limited to the case of an attempt or whether it also includes the case of an escape? The reason why I ask the question is that it is not an unusual provision of law in the States to make it a felony for a convict to escape, but there is a vast difference between escaping and attempting to escape, or an alleged attempt to escape. It is easy to charge and difficult to disprove that a prisoner attempted to escape.

Mr. HEYBURN. It seems to me that this class of legislation is equivalent to punishing the prisoner for the fault of the officers of the law who permit him to escape. I have not undertaken to elaborate or formulate my exact objections to this class of legislation, but it does not appeal to me as being necessary at all.

Mr. BACON. I did not mean to commit myself to a support of the view that he should be punished for an escape. I wanted to know what was the attitude of the Senator from Idaho in regard to the matter, whether it included escape or was limited to an attempt to escape.

Mr. HEYBURN. My views are the same in regard to an escape.

Mr. BACON. I think there is indirectly already a penalty to be imposed upon a man who would escape—that he shall not be allowed any commutation of time that would otherwise be given if he had a good record.

Mr. HEYBURN. I think that is proper. I think it is proper to deprive the party who attempts to evade the sentence of any privilege under the law, and I think it is proper to punish the officer responsible for his custody for allowing him to escape. But I do not think it is proper to punish the prisoner for the default of the officer in the performance of his duty.

Mr. TELLER. I should like to ask the Senator from Idaho if he wants to move to strike out the section. Does the Senator make a motion?

The VICE-PRESIDENT. There is no motion pending in regard to the section, and it remains in the bill unless by motion it is stricken out.

Mr. HEYBURN. As a member of the committee and as chairman of the joint committee I have felt it inappropriate that I should move in these matters further than to express the views which I hold and which I expressed in the committee, where I reserved the right to do it. If the position which I

suggest does not appeal to any other member of the Senate to such an extent that he is induced to make a motion to strike it out, then I feel that my objection amounts merely to a protest.

Mr. TELLER. I will accommodate the chairman of the committee by moving to strike out section 138.

The VICE-PRESIDENT. The Senator from Colorado moves to strike out section 138.

The motion was agreed to.

The VICE-PRESIDENT. The Secretary will read the next section passed over.

The Secretary read as follows:

SEC. 163. *Whoever shall so place or connect together different parts of two or more notes, bills, or other genuine instruments issued under the authority of the United States, or by any foreign government, or corporation, as to produce one instrument, with intent to defraud, shall be deemed guilty of forgery in the same manner as if the parts so put together were falsely made or forged, and shall be fined not more than \$1,000 or imprisoned not more than five years, or both.*

Mr. HEYBURN. That is new legislation in one sense, and yet it is merely an extension of existing provisions of law to a newly discovered manner of committing an offense. When the existing law was enacted such an offense was not contemplated, because if committed at all, the method had not been brought to the notice of the courts. It consists of taking a number of bills apart and shortening each to such a small extent as not to be noticeable, and taking the pieces and putting them together until, by a combination, say, of hundred-dollar notes cut up in this way they would find themselves in possession of enough pieces to make an extra hundred-dollar note. So it is necessary to provide against that kind of an offense.

Mr. TELLER. I do not want to interfere with the committee, but it strikes me that an offense of that kind would come within the provisions of the law providing for counterfeiting the currency.

Mr. HEYBURN. This section is in that chapter.

Mr. TELLER. I do not believe it is necessary to put it in. I think the offense the Senator speaks of is prohibited as a counterfeit of the currency itself. However, no harm will come from putting it in.

The VICE-PRESIDENT. The Secretary will read the next section passed over.

The Secretary read as follows:

SEC. 185. *[Whoever, being the owner, driver, conductor, master, or other person having charge of any stagecoach, railway car, steamboat, or conveyance of any kind which regularly perform trips at stated periods on any post route, or from any city, town, or place to any other city, town, or place between which the mail is regularly carried, and which shall carry, otherwise than in the mail, any letters or packets, except such as relate to some part of the cargo of such steamboat or other vessel, or to some article carried at the same time by the same stagecoach, railway car, or other vehicle, except as otherwise provided by law, shall be fined not more than \$50.]*

Mr. BACON. That is a section which was passed over at my suggestion when the bill was being read on the former occasion. It seems to me that an examination of it will show that it unnecessarily and unduly and, I may say, improperly restricts the parties engaged in the commerce of the country—that is, I mean the common carriers—in the transmission of communications from one part of their line or from one set of employees to another in the proper performance of their duties and in the operation of their business.

I call attention now to the limitations of this section. Of course Senators will recall that this section is in connection with the penal statutes, the purpose of which is to protect the Government of the United States against the improper carriage of what is properly mail communication by other than the postal authorities. This is one of the sections in that connection, and it is to the effect that no common carrier or other person engaged in like business shall carry any such mail matter or any such communication except—I read simply the exception without reading the entire section over—

Except such as relate to some part of the cargo of such steamboat or other vessel or to some article carried at the same time by the same stagecoach, railway car, or other vehicle.

It will be noted that it would be a penal offense for any official of a railroad company, in case of a wreck on the road and the sudden sending of a relief train, to send on that train any note addressed by one officer of the company to any other official or employee of the company directing what should be done in such a case of emergency. That is not an unusual case by any means. It is something which unfortunately is occurring almost every day in some part of the United States. There is a wreck of a railroad train, and a relief train has to be sent to accomplish what is necessary in the interest of the road and in the interest of humanity. The writing of a note and sending it hurriedly by anyone upon that train would make the party sending it and the party carrying it subject to this large penalty.

It is not necessary to even illustrate by so extreme a case as that. In the operation of railroads it is necessary every day that railroad officials should be communicating up and down the line of road with other officials and employees as to matters connected with the operation of trains or matters relating to the maintenance of the property. They ought to have that opportunity simply as a matter of right and common justice, and to deny it to them is to subject them to very great inconvenience, if not loss.

It is not always practicable even for them to send a telegram from one point to another or from one official to another. It is absolutely necessary that there should be written communications frequently, aside from the fact that there are points along the line where there are no facilities for sending or receiving dispatches.

It seems to me that while the purpose of the section is correct, it ought to be guarded and made more liberal in these particulars. I do not suggest any particular amendment. I suggested the same thought when the matter was before the Senate upon the former occasion. The attention of the committee has been called to it, and they are probably either in a position to show why there should be no amendment or to propose one which will be satisfactory.

Mr. SUTHERLAND obtained the floor.

Mr. TELLER rose.

Mr. SUTHERLAND. I yield to the Senator from Colorado if he desires to proceed.

Mr. TELLER. I wish to inquire if this provision would not prevent express companies or if it is intended to prevent express companies from taking packages? It is not uncommon in these days to send by express letters containing money which can be sent by mail, and so can money be sent by mail for that matter. There is also another custom I am somewhat familiar with. Railroad companies frequently make up a package of directions to their subordinates along the line, which they would not want to put in the mail and which are delivered as the train goes along.

I suppose the real purpose in preventing the carriage of a package of this kind was to prevent the carriage for profit, and I think, perhaps, there ought to be some provision that shall prevent a transaction that might arise. The railroads are doing what they have been doing ever since railroads began, I think.

Mr. BACON. The Senator will pardon me. He will notice the language of the section. It limits such communications not simply to the officers of the road, but absolutely to officers of the very train upon which the communication goes. It is too rigid entirely.

Mr. TELLER. That is the objection. It is too narrow.

Mr. BACON. It is too narrow.

Mr. TELLER. The only purpose the Government can have in preventing packages of this kind from being carried is to prevent an interference with the revenues of the mail. In a majority of cases, I think, when they start out a train, the railroad companies have more or less packages of instructions to deliver along the line of the road. At least, that was my observation years ago, and I do not believe there has ever been any abuse of it.

Mr. McLAURIN. Why not insert, after the word "carried," in line 10, the words "for hire?"

Mr. TELLER. It is suggested to me that after the word "carried" the words "for hire" be inserted. I think something of that kind ought to be put in. I call the committee's attention to it. Nobody would want to interfere with a railroad company instructing its employees on the line of the road without the trouble of putting the instructions in the mail, which would not reach them until the next day, as a rule.

Mr. SUTHERLAND. Mr. President, if the section could be construed as the Senator from Georgia [Mr. BACON] and the Senator from Colorado [Mr. TELLER] seem to fear that it may be construed, I would agree with them that it ought to be amended. But I call attention to the fact that the section is existing law; it has been in force and operation, as I recall it, for about thirty-five years, and it has always been construed by the Post-Office Department, by the regulations which they have made under the section, not to include the cases to which the Senator from Georgia referred.

About ten years ago, namely, in 1896, the precise question was referred to the Attorney-General. I call attention to the opinions of the Attorney-General as contained in volume 21 of the Attorney-General's Opinions, page 395. The questions submitted were as follows:

You refer me to section 3992 also—

After calling attention to 3985—

You refer me to section 3992 also, which is as follows:

"Nothing herein shall be construed to prohibit the conveyance or transmission of letters or packets by private hands without compensation, or by special messenger employed for the particular occasion only."

You ask:

And these are the questions submitted by the Post-Office Department—

"(1) Can the railroad companies carry, outside of the mails, not in Government stamped envelopes, any first-class mail matter except such as concerns the cargo carried by the road?"

"(2) Is it proper for a railroad company to carry, outside of the mails, not in Government stamped envelopes, first-class mail matter intended for a connecting line?"

"(3) Is it proper for a railroad company to carry, outside of the mails, first-class mail matter not in Government stamped envelopes, for companies, corporations, or private individuals operating car lines, transportation lines (either passenger or freight), operating hotels, restaurants, or any other class of business that may either be connected or not connected with the railroad proper?"

"(4)—

And this is the question the Senator from Georgia himself submits:

"(4) Can such companies as mentioned in the third question carry their own mail; and if so, under what circumstances?"

The Attorney-General then calls attention to the fact that the Post-Office Department has always construed the law as permitting railroad companies and other carriers to carry mail matter having reference to their own business, whether it has relation to the cargo or not. He calls attention to the fact that a written regulation of the Post-Office Department is in existence to that effect, and then proceeds:

Congress evidently had no thought of interfering with the private methods of carriers on post routes for communicating directly with their own employees or with other persons. It was dealing only with their public business of carrying for others. Therefore no exception was required in this respect and no argument is to be drawn from its omission from the expression of exceptions.

Then he calls attention to a part that I will omit and proceeds:

The clause above quoted from the postal regulations was manifestly not intended to do more than carry out the law. Otherwise it would, of course, be invalid. But taken not to refer to letters of others than the carrying company, it is consistent and proper. Such, I am confident, was the meaning intended.

So, in accordance with the uniform practice of the Post-Office Department the opinion of the Attorney-General, after a very thorough consideration of the question, is that this section or any section of the law would not interfere with a railroad company carrying letters about its own business, letters addressed to its employees, or to its officers, and would prevent, except as provided in the section itself the carrying of mails for others or for the public.

Mr. BACON. For us to accept the explanation as given by the learned Senator from Utah, it would be necessary, it seems to me, to recognize the power of a Department officer to amend a statute, because the statute certainly does not give any such privilege as that which the Attorney-General construes it to give. I do not know who the Attorney-General was, and it matters not who he was, because the language is too plain to be possibly perverted to that extent and the perversion be justified.

Mr. SUTHERLAND. If the Senator will permit me, the Attorney-General does not hold that the Department had the power to alter the law or modify the law, but he calls attention to the regulation and says that the regulation is simply a recognition of the law. I call the attention of the Senator to what the Attorney-General says.

Mr. BACON. I heard the Senator read it.

Mr. SUTHERLAND. If the Senator will permit me, the Attorney-General says:

The clause above quoted from the postal regulations was manifestly not intended to do more than carry out the law. Otherwise it would, of course, be invalid.

It is simply a recognition, in other words, of what the courts would hold the law to mean if there were no regulations at all on the subject.

Mr. BACON. I repeat what I said. I understood fully without the repetition by the Senator from Utah exactly what the Attorney-General said. He was basing his opinion upon the regulation and saying that the regulation was a proper construction of the law. My proposition is that it is an impossibility that such should be the case, unless we recognize the right of a Department, as I am sorry to say is very frequently attempted in some of the Departments, to construe away a law by their interpretation and by their construction.

I will read now from the original law, to see whether it is possible that it could be said that the law authorized any such regulation as that which has been made in regard to it. The regulation simply recognizes the propriety that there should be a law; that is, that it should have the modification which I

now suggest, but that modification can not be found in the law as it exists, and the language of it is as follows:

SEC. 3985. No stagecoach, railway car, steamboat, or other vehicle or vessel which regularly performs trips at stated periods on any post-route, or from any city, town, or place, to any other city, town, or place, between which the mail is regularly carried, shall carry, otherwise than in the mail, any letters or packets, except such as relate to some part of the cargo of such steamboat or other vessel, or to some article carried at the same time by the same stagecoach, railway car, or other vehicle.

Mr. President, that language which says that the only exception is where the communication relates to some matter upon that particular train or that particular car can be construed to mean any business of the company I say is an utter absolute impossibility, I do not care who the Attorney-General was, or who the judge was, if need be. It could not stand for a moment in discussion or for the guidance of any lawyers in the construction of the law and in determining whether an amendment is necessary.

I repeat, the opinion of the Attorney-General in upholding the regulation is simply a recognition of the fact that the present law is absolutely too narrow. We are revising the law for the purpose of ascertaining and remedying its imperfections, and here is a most glaring one, one that even the Departments have recognized to such an extent that they have refused to enforce it. It is true they had no right to disregard it. No Department has a right to disregard a law, whether it is a proper law or an improper law. They have but one duty, and that duty is obedience to the law as it is written. Here we find that it was so unjust a law that they have undertaken to disobey the law and to try to construe it away. We are engaged in its revision, and yet we are to pass it by without making the proper correction of it.

I quite agree with the Senator from Colorado [Mr. TELLER] when he says it is entirely too narrow. It is only by a violation of the law, and a daily violation of the law, with the connivance and approval of the Department, that the railroad companies are enabled to do their business at all. If the law was enforced, half of them would be in the penitentiary to-day, unjustly and improperly.

Mr. TELLER. In order to have some certainty about it I suggest, after the word "carrier," in line 10, to add "for compensation." That would prevent them from carrying it except for their own uses. We would not prevent them from carrying it for their own uses.

I lived some years in a part of the country where we got mail by paying specially for it. For some years in Colorado, when the stagecoach got in, we went to the stage office to get our mail and we paid so much a letter. It was a rather high price for a letter, but we paid it because the stages would get in without the mail quicker than they would with it, and at that time the stages did carry large quantities of mail. It was a large part, or a considerable part at least, of the revenue of the stagecoach. I presume about that time the act was passed, but, as was said, it was very awkwardly constructed. I have no fault to find with the principle. They should not carry except for their own use, and I do not know that they do.

Mr. HEYBURN. Mr. President, I should like to suggest that the purpose of this section of existing law was to protect the income of the Post-Office Department and to prevent the carrying of mail under such circumstances that it would not bring any compensation to the Government.

I think I must call attention to the provision that was omitted from existing law by the committee; that is, the reference to section 3993 of the Revised Statutes. It is proper to call the attention of the Senate to the provisions of the omitted section, because in existing law section 3993 is made a part of section 3985 of the Revised Statutes. Your committee have reported section 3985, as represented by section 185, without including within its provisions section 3993. I will read section 3993, and I commend it to the close attention of the Senators who are considering this amendment. Section 3993 reads:

All letters inclosed in stamped envelopes, if the postage stamp is of a denomination sufficient to cover the postage that would be chargeable thereon if the same were sent by mail, may be sent, conveyed, and delivered otherwise than by mail, provided such envelope shall be duly directed and properly sealed, so that the letter can not be taken therefrom without defacing the envelope, and the date of the letter or of the transmission or receipt thereof shall be written or stamped upon the envelope. But the Postmaster-General may suspend the operation of this section upon any mail route where the public interest may require such suspension.

The committee have omitted that provision of existing law from the section as reported. They have omitted the provision permitting the Postmaster-General to suspend the operation of the law as to the class of mail referred to in section 185, and they have permitted the special license given by section 3993

with reference to the carrying of this class of mail. They have done that because it was in one sense redundant, and in the other sense it was calculated to open the way for diminishing the revenue and the income of the Post-Office Department. That being the primary object of the enactment of the existing section 3985, it was thought that it was utterly inconsistent to allow, by reference contained in that section to another section, the provision of section 3993 to cast doubt upon the meaning of the provision in the existing law. It was also in the interest of combining all that it was necessary to express under one section, instead of compelling reference to two sections widely apart in the printed laws.

Mr. BACON. Mr. President, I have not overlooked the section to which the Senator from Idaho refers. Of course, so far as stamped envelopes and things of that kind are concerned, it would be a great hardship upon a railway company in the matter of its business if, every time it saw proper to send a communication from one to another of its employees, it had to use a stamped envelope.

So far as the suspension of the provision of the act is concerned, of course no suspension would be of any value unless it was a permanent and continuous one, because it is a matter of daily importance and necessity.

Mr. HEYBURN. Mr. President, the executive order which Senators have criticised with reference to this matter is, under the provision, contained in section 3993, authorizing the making of the executive order. The question submitted to the Attorney-General was whether or not the existing law taken together should be so interpreted as to make the executive order operative and as to whether or not the executive order was within the scope of power given to the Postmaster-General.

Mr. BACON. Mr. President, I am going to ask the Senators in charge of this bill to consent to an amendment. I do not see any possible justification for our leaving upon the statute books a statute the operation of which under its terms would be either practically impossible or it would have to be disregarded or else work very great hardship and injustice to the common carriers of all kinds in this country.

The Senators will note the fact that in the existing law and in the proposed modification of the law it is recognized that there is some business which even the common carriers have about which they ought to be permitted to send certain communications. The only criticism upon the law as it exists and upon the proposed modification of it is that that restriction is too narrow, or rather that it is not a sufficiently liberal exception to the law. The exception in words limits the communications which can be sent by a common carrier by its own stagecoach or railway train or steamboat to something which relates to the particular train, etc., upon which the communication is sent. It could not relate, as I have endeavored to illustrate, to the case of a wreck where the communication was sent by a relief train. When the thing is as plain as that, why should we not make the law mean what the Department has endeavored to make it mean by its construction and by the construction which the Attorney-General puts upon the regulation of the Department? Why should we not in the revision of the law make the law itself plain and make it say what we all know it must say if it is to be of any value to the railroads or to the steamboats or to the stagecoaches, rather than leave a restriction upon it which must be a dead letter, or else there will be a great injustice done under it.

Mr. HEYBURN. Mr. President, I am afraid if the amendment suggested were adopted that it would cost more thousands of dollars to the Post-Office Department than I should like to undertake to compute at this time. The very fact that the two words suggested in the amendment, the words "for pay," are not in this section places the railroad company upon the same footing as other business concerns.

Mr. BACON. I am not in favor of that amendment. That was not the amendment I was going to propose.

Mr. HEYBURN. That is an amendment already proposed.

Mr. BACON. I at first thought that amendment would be sufficient; but then it occurred to me that under that a railroad company could carry messages for anybody else; and if they did not charge for doing so, they would not be subject to the penalty of the law.

Mr. HEYBURN. Or messages of its own.

Mr. BACON. Or of its own, either.

Mr. HEYBURN. It is not intended that a railroad company should be permitted to carry its own general messages on any other terms than the general public may.

Mr. BACON. I quite agree with the Senator on that.

Mr. HEYBURN. It is not intended that a railroad shall have the right to communicate with its employees on any more liberal terms than a merchant shall have the right to com-

municate with his employees. The law as it was drawn was drawn for the express purpose of putting the transportation companies on the same footing, with reference to the right to transport matters proper for the United States mails, as other business people. There is no reason why they should be upon any other footing. Merely because a railroad company has the opportunity or the conveniences that would enable it to carry its mail matter free if nobody found it out is no reason why it should be permitted to do it, and whenever they transmit messages through the United States mails that other people would have to pay for when they transmit them over the same lines, the law intended that they should pay for it. If they avoided that through the medium of any rule or regulation or executive order, they have done it at the expense of the general public. The intent of the law is as the Senator suggests it should be, and it was, I think, expressed in this statute by Congress for the purpose of doing just what the Senator contends for, namely, putting the transportation companies upon the same plane as all other companies. By the amendment the committee has reported, the striking out of the right to suspend the operation of the law by the Postmaster-General we have emphasized the fact in the law that they are upon the same footing. If they are violating it, an investigation should disclose the fact, and they should be punished as other persons are punished.

Mr. BACON. Mr. President, I did not have the opportunity to explain the state of the case before the Senator—I presume it was intended merely as an interruption—got away from the particular point I was on. I recognize the fact that there are a great many communications which the railroad companies ought to be permitted to use the mails in sending. I do not doubt that at all; but the point I am after is that there are a great many communications which it is impracticable for them to send by mail and which would be absolutely useless to them if they had to wait until the mails could carry them. For instance, I have twice mentioned an illustration, the case of a wrecked train upon a railroad, where a relief train is sent to the wreck. Of course the Senator will recognize that a communication which was intended to be sent to the employees around that wreck as to what they should do could not be sent by mail. Such communications must be sent speedily; they must be sent by the train itself that is going to the relief of the wreck. That is only one illustration that could be given. It would be impracticable for a railroad official in Washington, for instance, when there is a wreck 40 miles out on one of the railroads leading to this city to mail to the parties at that wreck a communication directing them what they should do; and it would be necessary either to do that or to violate this law, because there is no word or letter in this law under which such an official act could send to the point of that wreck any communication by the train which was sent to its relief.

Mr. HEYBURN. Mr. President—

Mr. BACON. I hope the Senator will permit me to finish.

Mr. HEYBURN. I think the Senator will probably appreciate my motive in making a suggestion.

Mr. BACON. I know that, but it is impossible to present anything with any degree of continuity when frequently interrupted.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. I do.

Mr. HEYBURN. I would call the attention of the Senator to the fact that this bill only refers to conveyance on trains making or performing regular trips at stated periods for the purpose of carrying the mail. It has nothing to do with a relief train or a wreck train. That would not come within the provisions of the bill.

Mr. BACON. It might be sent by other than a relief train. It might be sent by a passenger train that was going to that place. It might not be necessary to send a relief train from that particular point.

Mr. McLAURIN. Mr. President—

Mr. BACON. I hope the Senator will pardon me. I will be through in a moment.

Mr. McLAURIN. I was just going to make a suggestion.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. BACON. I do.

Mr. McLAURIN. The Senator from Idaho [Mr. HEYBURN], I think, misconstrues the statute. The prohibition is not against the railroad company carrying the communication on one of its wreck trains, but on a regular train they can not carry it at any time.

Mr. BACON. Yes; the Senator from Mississippi is doubtless correct in that. But, Mr. President, there are any number of

other illustrations that could be made which will occur to anyone who is familiar with the business of railroads. I mention railroads simply because they are the ones that this would most seriously affect, though it affects not only the railroads, but any other party having vehicles of any kind engaged in making regular trips; in other words, it affects all common carriers.

It is not only occasionally when there is a wreck, but there are daily instances where officers in charge of a property have to give directions that will not admit of delay, where they have to send communications by the swiftest means possible, by their fastest trains, directions for different stations, possibly directions by which trains are to be kept out of each other's way. It is true that now the operation of trains is almost entirely controlled by telegraph communications, but the telegraphic facilities might not be serviceable. There would be no excuse for a railroad company to say, however, "Our telegraph communication was interrupted, and therefore we violated the law." There is no exception made whatever.

What I want Senators to recognize the propriety of is not a provision that would go to the extent of permitting any mail to be carried, or any letters to be carried, for which compensation was not charged, but one that would enlarge the exception now made in the law. The exception now in the law is limited to the case of a communication which relates to the business of the particular train or the particular car upon which the letter is carried or to some article found in the car upon which the letter is carried. It certainly could be no narrower than that; whereas it might be equally important that it should relate to a train which preceded it or to something which a train carried which preceded it, or to a passenger on another train, or to a train which was to follow—more frequently a train which was to follow—or it might relate to the roadbed or to any other matter connected with the daily operation of the road.

I do not wish any amendment which would so enlarge it that the railroad companies would feel that they were at liberty to send upon their trains any letter which they might wish to send which related to their business. That would probably be too wide a liberty to allow them; but it is not too much to say that they ought to have the right to send any communication which relates to the current daily operation and maintenance of the road.

I am not prepared at the moment to frame the amendment in a way that it can be incorporated in this section so as to be entirely harmonious with the other provisions in it and with the language which is already there, and therefore, if the Senators are prepared to recognize the propriety of so enlarging the exception that it will embrace communications which relate to the current daily operation and maintenance of the road, I would suggest that it might lie over until the Senators can have an opportunity to amend it in that particular.

Mr. SUTHERLAND. Mr. President, so far as I am concerned, I entirely agree with the position of the Senator from Georgia [Mr. BACON]. The only claim I make about it is that the law as it at present reads deals with the question in precisely the same way that it would be dealt with if there was an amendment.

The Senator criticises the opinion of the Attorney-General with reference to this matter. If he will take the trouble to read the entire opinion he will conclude, I think, that it is an opinion of some force. It was certainly rendered by a lawyer of very eminent ability and one whom I think the Senator will especially recognize as such a lawyer. It was rendered in 1896 by Judson Harmon, who has usually been considered a pretty fair lawyer.

Mr. BACON. I could not agree that any lawyer could possibly control my judgment on a proposition as plain as this, where the language expressly says that the only exception is as to a train—the same train as that which carries the letter, or to some article upon that train which carries the letter. When any lawyer says that relates to any business of the road, he can not convince my judgment about it, because the language does not justify it.

Mr. SUTHERLAND. But the Attorney-General, Mr. President, says that Congress, in passing this law, was dealing only with the public business of the railroad or of the carrier in carrying for others, and was not dealing with the question of its private methods of communicating directly with its own employees or other persons. Every law has a spirit as well as a letter, and the opinion of the Attorney-General is that it is within the spirit of this law that common carriers should be permitted to carry letters which have reference to their current business; and I was going to say that that is my idea about the meaning of the law.

Mr. BACON. If that is true, what objection is there to expressing it?

Mr. SUTHERLAND. I was just going to say, when the Senator interrupted me, that that being my opinion as to the meaning of the law, I would have no objection whatever to inserting, say in line 7, after the word "vessel," the words "or to the business of the carrier," so that it would read:

Except such as relate to some part of the cargo of such steamboat or other vessel, or to the business of the carrier, or to some article carried at the same time by the same stagecoach, railway car, or other vehicle.

Mr. BACON. I am willing to have the Senator make it even narrower than that, and say the "current" business, in order that it might not relate to their financial transactions or anything of that kind, but to current business and operation.

Mr. SUTHERLAND. Personally I have no objection to that amendment. I think it would carry out the evident intention of the law, but my colleague on the committee [Mr. HEYBURN] does not appear to agree with me with reference to that. I am therefore not in a position to speak for the committee.

Mr. HEYBURN. Mr. President, the Senator from Utah [Mr. SUTHERLAND] suggests that I am not in accord with the proposition to amend this law by allowing a railroad company or a company of any kind that carries the mails to have any rights that other people do not have. There is no reason why a company, because it happens to be a mail-carrying transportation company, should have the right to send its communications through the mail without paying postage; and, I imagine, that an amendment that exempted them from it would mean a rather large deficit in the Post-Office Department in a year. If you take all the transportation companies in the United States that carry the mails and allow them an exemption from paying postage upon mail matter that they naturally would forward pertaining to their own business, then other people who engage in business would claim the right to have their communications, directed to their employees wherever they might be, also carried free of postage. Congress undoubtedly intended in enacting the existing law to place the transportation companies upon the same footing as other people.

If this were a matter of some one mail route, it would be a small thing; but I am safe in saying that it would mean a great many thousand dollars in a year, and it might mean some hundreds of thousands of dollars if you exempt public carriers from paying postage upon their communications because, forsooth, they are directed to somebody on their pay rolls. That is the reason Congress in enacting this law did not give them the privilege of carrying their own mail matter free; and they should not have it.

Mr. BACON. Why did not the Senator, then, when he was revising the law strike out the provision in this section which does permit them to carry some things in the mail which it is not permitted to the general public to carry?

Mr. HEYBURN. The Senator submits a question to me, and I will answer it. It is because the provisions of this section, as reported, do not permit them to carry anything that would necessarily be the subject of communication and that would go through the United States mail. The language is quite guarded, and it was evidently adopted with a great deal of care by those who enacted the existing law. The words are:

Except such as relate to some part of the cargo.

The words "except such" relate back to the words "any letters or packets"—packets which relate to some part of the cargo; that is, the manifest, the bill of lading, or whatever it may be. It means papers that pertain to and are in fact a necessary part of the cargo itself, as much so as the inscription upon the packet that tells to whom it is to be delivered or whom it is from.

Any letters or packets, except such as relate to some part of the cargo.

That limits them right down to the necessity of those things incident to receiving and delivering the cargo itself. They are not permitted to carry letters of general information, but they must be letters that pertain to the cargo. Those are letters of instruction.

I admit that if it is the pleasure of Congress to enlarge the powers of these common carriers and to extend to them the right to carry free all communications that may pertain to their business because they happen to be addressed to some employee, that is another proposition. That goes to the question of the wisdom of such legislation; but we are dealing now with existing law, and the committee has reported it as it exists. We are simply maintaining that the existing law is sufficient for the purpose. Should Congress in its wisdom see fit to enter upon the consideration of new legislation extending or

widening the rights of these companies, that will be a matter to be referred to the proper standing committee of this body and there determined as to whether or not it should be taken up for consideration.

Mr. McLAURIN. Mr. President, my greatest objection to this provision is that some stage driver who happens to be making regular trips would, if he were, out of the kindness of his heart, to take a letter for some friend and deliver it to another friend on the way, be liable to pay a fine of \$50. I think the amendment offered by the Senator from Colorado [Mr. TELLER] will obviate all trouble about this, and I do not think it would do the harm that is apprehended by the Senator from Idaho [Mr. HEYBURN] in charge of the bill.

This section, as we all agree, is intended to protect the revenue to be derived from the carrying of the mail. There is not going to be any inroad upon the revenue by permitting a man once in a while to carry to a friend a letter or packet—I do not know what "packet" means; but it is, I suppose, a package that would be mailable—unless he does it for the purpose of making money. Just an occasional carrying of a letter to some friend is not going to affect the revenues of the country. I think, therefore, that the amendment offered by the Senator from Colorado to put the words "for compensation" just after the word "carry," in line 10, would accomplish a great deal of good. It will make clear the construction that was given to it by Attorney-General Harmon, and it will not be necessary to construe this section. My opinion is that that amendment ought to be adopted.

Mr. SUTHERLAND. Does not the Senator from Mississippi think that if we were to adopt that amendment it would permit one common carrier to carry mail for all the connecting carriers and for the connecting carriers, in turn, to carry mail for the one, so that in that way there would be a network of railroad companies all over the United States carrying mail for one another? They would not be carrying for compensation, but they would be carrying under some common understanding, and that would make, it seems to me, very serious inroads on the revenues of the Department.

Mr. McLAURIN. Mr. President, in answer to that question, I do not think there is any danger of that, for if they were to make an arrangement of that kind it would itself be for compensation. It would be a quid pro quo and it would violate the law. I do not think, though, that the railroads would be benefited to any extent by an arrangement of that kind, because it would retard their mail, instead of speeding it. The railroads, like everybody else, are interested in having rapid transit for their mail, rapid delivery for their mail, and they would not make any arrangement of that kind. If it were made, as I have just stated, it would be a violation of the law, because it would be a compensation itself. If I give a man my services for services of his in return, I am compensated for my services and so is he for his services. So it would be with the railroads. My idea about it is, though, that there ought to be some provision whereby an innocent man, probably one in an humble position and following an humble pursuit, would not stumble into a pitfall when, out of the goodness of his heart, he was trying to do a favor to some friend of his or to somebody, whether he was a friend or not.

Mr. BACON. Mr. President, I simply want to make one final suggestion to the Senators in charge of the bill, and that is that this provision shall be made to express in exact language what the Attorney-General says it means; that is all. The Attorney-General says, in the opinion which has been read by the Senator from Utah [Mr. SUTHERLAND], that the purpose of the law was to prevent common carriers carrying mail matter for others. Now, I only ask that the Senators will themselves amend this section so as to make it express what the Attorney-General of the United States says it means. It does not in language so express itself, and I simply ask that it shall be made in language to express exactly what the Attorney-General says was the intention of the lawmakers.

Mr. SUTHERLAND. I will say to the Senator from Georgia that, so far as I am concerned, if he will offer the amendment I will support it.

Mr. BACON. Very well. If the Senator from Idaho insists upon his objection, I shall have to ask that the Senate shall determine between us.

Mr. HEYBURN. If I considered it a matter of small importance, I would not insist upon it, but, as I see it, the acceptance of the language suggested will be simply to exempt railroad companies and transportation companies from paying postage at all. I am not willing to do it.

Mr. KEAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. HEYBURN. Certainly.

Mr. KEAN. If that is the position of the Senator from Georgia, I suggest that we should suspend for the day.

Mr. HEYBURN. Every day I have the pressure for an executive session along about the time we get into the midst of the consideration of this bill. There is no reason why the mere suggestion of the Senator from Georgia as to this amendment should suspend the consideration of the bill. We have passed several such Rubicons to-day. It simply means that we pass over the consideration of this section until we have finished the consideration of the sections against which no objections are urged.

I should like to proceed a little longer to-day. I know that the suggestion of an executive session is a continual haunt from the time we take up this bill until we adjourn. I should like to proceed longer if we can, passing over this section for the day, and we may dispose of a number of other sections.

Mr. BACON. I hope the Senator will not insist upon proceeding further to-day.

Mr. HEYBURN. I will ask that the section may be passed over for the day, as we have passed over other sections.

Mr. BACON. I hope the Senator will not insist on going further with the bill this afternoon. All of us have a good deal of work that we can not attend to while the Senate is in session; at least, those of us who attend the sessions can not. There are some of us who are always here, and it is absolutely necessary that those of us who do give attention to the business of the Senate should have some little time outside for business equally imperative that we must attend to.

I will say to the Senator that there has not been a time within two weeks that I have been able to leave the Capitol until after dark. We can not stay here all day until the night comes and properly attend to many things we have to do outside the particular session of the Senate.

Mr. HEYBURN. Of course I have no control over this matter. Any Senator can move to adjourn or he can make another motion that would suspend the consideration of this measure. I only appeal for such liberal time as will enable us to make some headway. There are two sections intervening between this section, and one that we will be compelled to pause at. It would take but a few minutes to dispose of them, and we would then have accomplished at least that much.

Mr. BACON. If they are not sections which will be contested I have no objection.

Mr. HEYBURN. They are not sections to which I think objection will be urged at this time. One is against robbing a mail carrier. I suppose that is a legitimate subject of legislation.

Mr. BACON. The Senator desires to consider section 198.

Mr. HEYBURN. One hundred and ninety-eight and 198a.

Mr. BACON. I have no objection to that course.

Mr. HEYBURN. We will pass over the consideration of section 185 for to-day.

The VICE-PRESIDENT. Without objection, it will be passed over. The next passed-over section will be stated.

The Secretary read as follows:

SEC. 198. Whoever shall rob any carrier, agent, or other person intrusted with the mail, of such mail, or any part thereof, shall be imprisoned not less than five years nor more than ten years; and if convicted a second time of a like offense, or if, in effecting such robbery the first time, the robber shall wound the person having custody of the mail, or put his life in jeopardy by the use of a dangerous weapon, he shall be imprisoned for life.

Mr. HEYBURN. The next is section 198a.

The VICE-PRESIDENT. There is no such section in the bill reported by the committee.

Mr. HEYBURN. Notice was given at the time of the intention to propose what is here as 198a, as an amendment or an addition to section 198. It should have been noted, but whether it was or not is not material. I ask that 198a in the reprint be read in order that the necessary motion may be made in connection with it. It is printed in the reprint. It was suggested when the bill was read before.

The VICE-PRESIDENT. Does the Senator from Idaho propose it as an amendment to the bill?

Mr. HEYBURN. I intend to, it already being at the desk.

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment, which will be stated by the Secretary.

Mr. HEYBURN. It was moved as an amendment before and considered and passed up. I will move it as an amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. 198a. Whoever shall attempt to rob the mail by assaulting the person having custody thereof, shooting at him or his horse, or threatening him with a dangerous weapon, and shall not effect such robbery, shall be imprisoned not less than two nor more than ten years.

Mr. KEAN. I suggest to the Senator from Idaho that the mail carrier might not have a horse. He might have an automobile or something of that kind.

Mr. HEYBURN. It was the purpose of the committee to combine in one section sections 5472 and 5473 of the Revised Statutes, existing law, inasmuch as they pertain to the same character of offense. If the Senator from New Jersey will suggest an amendment as to other methods of conveyance which might be attacked within the contemplation of the section, I should be glad to accept it, so far as I may.

Mr. KEAN. At the present moment I have not given sufficient consideration to the subject, but I know that on some of our rural routes in New Jersey the carriers have bicycles and bicycles that are run by gasoline power and also automobiles. Therefore I think they ought to be protected as much as the horse in the carrying of the mails.

Mr. HEYBURN. It was not thought necessary, in the wisdom of those who enacted that statute, to provide against shooting at a stage coach or mail wagon. The offense intended to be reached by this provision is interfering with a person having custody of the mail, and upon the same principle that the shooting of an animal upon which a man is riding is considered to have the effect of disabling him, so as to render him unable to perform his duty, the horse was included.

Mr. KEAN. But the same thing would happen in case the carrier used a vehicle.

Mr. HEYBURN. Yes, sir; a man may be compelled to go afoot, but it has not heretofore been thought necessary to make it an offense to shoot a wagon or any inanimate thing. I would have no objection to an amendment which would prevent the disabling of a mail carrier, but we are dealing only with existing law in this section.

Mr. BACON. I was called out of the Chamber for a moment, and did not have an opportunity to hear what was said on the subject. I have not yet had an opportunity to read the section at this time, but if I recollect what occurred on a former occasion the new provision destroys the distinction heretofore existing between a plain assault on the officer and an attempt to commit violence at the same time. I know I am correct. The Senators will recall the debate we had on it before.

Mr. SUTHERLAND. The Senator is right about that, and I think I can straighten it out in a moment, if he will permit me.

Mr. BACON. Certainly.

Mr. SUTHERLAND. Section 198 as reported by the committee undertook to embody the provisions of sections 5472 and 5473. When it was under discussion it was the understanding of the Senate that the provisions of both of those sections would be restored in place of section 198 as reported by the committee. So the amendment which should be considered by the Senate is a proposition to substitute the provisions of those two sections for the provisions of the single section 198, namely, 198 and 198a both together.

Mr. HEYBURN. If I may assist some in straightening this out, my notes on the margin of the printed bill that I used when this matter was before the Senate originally are that "Senator BACON moves to restore the original sections 5472 and 5473 as the law in lieu of section 198." That was agreed to, and it remained only that they might be molded in form as a matter of construction.

Mr. BACON. That has not been done in this instance.

Mr. HEYBURN. That has not been done.

Mr. BACON. Does the Senator propose to do it, or does the Senator now object to its being done?

Mr. HEYBURN. There is no objection at all. The Senate has voted that it be done, and it is a completed act on the part of the Senate. It is merely a question of not having actually rewritten the section. The only changes necessary to be made will be to adopt the formal language "whoever shall" instead of "any person who," and rewrite the section in conformity with the general rule of construction.

Mr. BACON. I was, unfortunately, called out of the Chamber—as we frequently are, and very much to the prejudice of the proper conduct of the public business—and I have lost the connection. I do not know what occurred while I was absent. Therefore I will now ask that this section lie over until I can have an opportunity to examine it.

Mr. HEYBURN. There is no objection to that. "

The VICE-PRESIDENT. To which section does the Senator from Georgia refer?

Mr. BACON. Sections 198 and 198a.

The VICE-PRESIDENT. Those sections will lie over at the request of the Senator from Georgia.

#### EXECUTIVE SESSION.

Mr. CLAPP. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 13, 1908, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate February 12, 1908.*

##### ASSISTANT SECRETARY OF THE TREASURY.

Louis A. Coolidge, of Massachusetts, to be Assistant Secretary of the Treasury in place of John H. Edwards, resigned.

##### POSTMASTERS.

###### CALIFORNIA.

Charles H. Bartholomew to be postmaster at San Diego, San Diego County, Cal., in place of John N. Newkirk, removed.

Arthur Spencer Fleming to be postmaster at Auburn, Placer County, Cal., in place of Hiram H. Richmond, resigned.

Clarence S. Merrill to be postmaster at Berkeley, Alameda County, Cal., in place of George Schmidt, removed.

###### GEORGIA.

Cicero C. Alexander to be postmaster at Commerce, Jackson County, Ga., in place of Cicero C. Alexander. Incumbent's commission expired November 17, 1907.

###### IDAHO.

Albert J. Hopkins to be postmaster at Weiser, Washington County, Idaho, in place of John H. Bruce, removed.

###### ILLINOIS.

Howard O. Hilton to be postmaster at Rockford, Winnebago County, Ill., in place of Thomas G. Lawler, deceased.

Frank Nickerel to be postmaster at Collinsville, Madison County, Ill., in place of Nathan W. Chandler, resigned.

Benjamin F. Shaw to be postmaster at Dixon, Lee County, Ill., in place of Benjamin F. Shaw. Incumbent's commission expired January 21, 1908.

###### IOWA.

John B. Cook to be postmaster at Farley, Dubuque County, Iowa. Office became Presidential January 1, 1908.

Frank E. Lundell to be postmaster at Stratford, Hamilton County, Iowa. Office became Presidential January 1, 1908.

Zenas G. Preston to be postmaster at Woodward, Dallas County, Iowa. Office became Presidential January 1, 1908.

###### KANSAS.

William R. Ansdell to be postmaster at Jamestown, Cloud County, Kans., in place of John O. Hanson, resigned.

Charles L. O'Neal to be postmaster at La Crosse, Rush County, Kans., in place of A. Clay Whiteman, resigned.

###### MAINE.

George L. Hovey to be postmaster at North Anson, Somerset County, Me., in place of George L. Hovey. Incumbent's commission expired January 14, 1908.

###### MASSACHUSETTS.

Abbie H. Souther to be postmaster at Cohasset, Norfolk County, Mass., in place of Abbie H. Souther. Incumbent's commission expired February 9, 1908.

###### MICHIGAN.

George E. Dewey to be postmaster at Shelby, Oceana County, Mich., in place of Archie R. McKinnon, deceased.

###### MISSISSIPPI.

William A. Carr to be postmaster at Coffeetown, Yalobusha County, Miss. Office became Presidential January 1, 1908.

Alfred B. Clifton to be postmaster at Hernando, De Soto County, Miss. Office became Presidential January 1, 1908.

Maze H. Daily to be postmaster at Coldwater, Tate County, Miss. Office became Presidential January 1, 1908.

Andrew J. Darden to be postmaster at Centerville, Wilkinson County, Miss. Office became Presidential January 1, 1908.

Irene F. Elliott to be postmaster at Okolona, Chickasaw County, Miss., in place of Irene F. Elliott. Incumbent's commission expires February 18, 1908.

William H. Gardner to be postmaster at Magee, Simpson County, Miss. Office became Presidential January 1, 1908.

Malcolm S. Graham to be postmaster at Forest, Scott County, Miss., in place of Lynn E. Crane, resigned.

Lou J. Hall to be postmaster at Brookville, Noxubee County, Miss. Office became Presidential January 1, 1908.

Ephraim F. Haynie to be postmaster at Blue Mountain, Tipton County, Miss. Office became Presidential January 1, 1908.

Charles L. Hovis to be postmaster at Ripley, Tipton County, Miss. Office became Presidential January 1, 1908.

Thomas F. Logan to be postmaster at Friar Point, Coahoma County, Miss., in place of Wade H. Phyfer. Incumbent's commission expires February 18, 1908.

John R. Matthews to be postmaster at Wesson, Copiah County, Miss., in place of John R. Matthews. Incumbent's commission expires February 18, 1908.

Wade H. Phyfer to be postmaster at New Albany, Union County, Miss., in place of Wade H. Phyfer. Incumbent's commission expires February 18, 1908.

Annie M. Summers to be postmaster at Charleston, Tallahatchie County, Miss. Office became Presidential January 1, 1908.

Benjamin R. Trotter to be postmaster at Lucedale, Greene County, Miss. Office became Presidential January 1, 1908.

Bennett A. Truly to be postmaster at Fayette, Jefferson County, Miss., in place of Bennett A. Truly. Incumbent's commission expired November 24, 1907.

John G. Webb to be postmaster at Pickens, Holmes County, Miss. Office became Presidential January 1, 1908.

Benjamin A. Weems to be postmaster at Purvis, Lamar County, Miss. Office became Presidential January 1, 1908.

Coke B. Wier to be postmaster at Quitman, Clarke County, Miss., in place of Coke B. Wier. Incumbent's commission expires April 27, 1908.

###### MONTANA.

Mary L. Boehnert to be postmaster at Glasgow, Valley County, Mont., in place of James W. Wedum, removed.

###### NEW HAMPSHIRE.

John S. Kimball to be postmaster at Rochester, Strafford County, N. H., in place of Osmon B. Warren, deceased.

###### NEW MEXICO.

Henry Rankin to be postmaster at Elida, Roosevelt County, N. Mex. Office became Presidential January 1, 1908.

###### NEW YORK.

William J. Guthrie to be postmaster at Philadelphia, Jefferson County, N. Y., in place of William J. Guthrie. Incumbent's commission expired January 25, 1908.

Melvin E. Horner to be postmaster at Belmont, Allegany County, N. Y., in place of Flora A. Horner. Incumbent's commission expired November 19, 1907.

William McCarthy to be postmaster at Mineola, Nassau County, N. Y., in place of William McCarthy. Incumbent's commission expires April 19, 1908.

William J. Steele to be postmaster at Baldwin, Nassau County, N. Y. Office became Presidential January 1, 1908.

Charles D. Wilder to be postmaster at Charlotte, Monroe County, N. Y., in place of Fred A. Upton, resigned.

###### NORTH CAROLINA.

Percy B. Matheson to be postmaster at Wadesboro, Anson County, N. C., in place of John L. Matheson. Incumbent's commission expired January 18, 1908.

Richard M. Norment to be postmaster at Lumberton, Robeson County, N. C., in place of Richard M. Norment. Incumbent's commission expires March 12, 1908.

###### PENNSYLVANIA.

Edward Hunter to be postmaster at Patton, Cambria County, Pa., in place of Everett W. Greene, resigned.

###### SOUTH CAROLINA.

Leonidas Cain to be postmaster at St. Matthews, Orangeburg County, S. C., in place of Frank C. Cain, removed.

###### TEXAS.

L. A. Smith to be postmaster at De Kalb, Bowie County, Tex., in place of Joshua W. Cunningham, deceased.

Henry J. Veltman to be postmaster at Brackettville, Kinney County, Tex., in place of Henry J. Veltman. Incumbent's commission expired February 28, 1907.

###### WASHINGTON.

Grant C. Angle to be postmaster at Shelton, Mason County, Wash., in place of Grant C. Angle. Incumbent's commission expired February 9, 1908.

###### WISCONSIN.

Ralph E. Arnold to be postmaster at Fairchild, Eau Claire County, Wis., in place of Ralph E. Arnold. Incumbent's commission expired January 4, 1908.

## WYOMING.

Nora Sammon to be postmaster at Kemmerer, Uinta County, Wyo., in place of Otis Rife, resigned.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 12, 1908.*

## DIRECTOR OF THE MINT.

Frank A. Leach, of California, to be Director of the Mint.

## APPRAISER OF MERCHANDISE.

George W. Wanmaker, of New York, to be appraiser of merchandise in the district of New York, in the State of New York.

## APPOINTMENT IN THE ARMY.

## General officer.

Col. Charles E. L. B. Davis, Corps of Engineers, to be brigadier-general from January 29, 1908.

## PROMOTIONS IN THE NAVY.

Commander Stacy Potts to be a captain in the Navy from the 28th day of January, 1908.

Commander James M. Helm, an additional number in grade, to be a captain in the Navy from the 28th day of January, 1908.

Commander Cameron McR. Winslow, an additional number in grade, to be a captain in the Navy from the 28th day of January, 1908.

Commander Isaac S. K. Reeves to be captain in the Navy from the 30th day of January, 1908.

Lieut. (Junior Grade) Gaston De P. Johnstone to be a lieutenant in the Navy from the 30th day of July, 1907.

Midshipman Robert L. Irvine to be an ensign in the Navy from the 31st day of January, 1906.

## POSTMASTERS.

## ILLINOIS.

Howard O. Hilton to be postmaster at Rockford, Ill.

Isaac W. Parkinson to be postmaster at Stockton, Jo Daviess County, Ill.

Frederick H. Richardson to be postmaster at Tampico, Whiteside County, Ill.

John R. Snook to be postmaster at Altamont, Effingham County, Ill.

## INDIANA.

Albert Jerome to be postmaster at Montezuma, Parke County, Ind.

James E. Zook to be postmaster at Lima, Lagrange County, Ind.

## KANSAS.

Henry Avery to be postmaster at Wakefield, Clay County, Kans.

Ernest Hoeft to be postmaster at St. Paul, Neosho County, Kans.

William A. Morgan to be postmaster at Lansing, Leavenworth County, Kans.

Joshua M. Roney to be postmaster at Norcatur, Decatur County, Kans.

Benjamin L. Taft to be postmaster at Parsons, Labette County, Kans.

## MARYLAND.

Samuel Hambleton to be postmaster at Rising Sun, Cecil County, Md.

## MONTANA.

Edward H. Golden to be postmaster at Walkerville, Silverbow County, Mont.

## NEBRASKA.

George B. Guffy to be postmaster at Elgin, Antelope County, Nebr.

Mark J. Jones to be postmaster at Elm Creek, Buffalo County, Nebr.

## NEW HAMPSHIRE.

John S. Kimball to be postmaster at Rochester, N. H.

## NEW YORK.

Henry B. Flach to be postmaster at Attica, Wyoming County, N. Y.

Robert Nathaniel Roberts to be postmaster at Lockport, Niagara County, N. Y.

## NORTH CAROLINA.

William E. Lindsey to be postmaster at Chapelhill, Orange County, N. C.

Nathaniel J. Palmer to be postmaster at Milton, Caswell County, N. C.

Augusta Phelps to be postmaster at Plymouth, Washington County, N. C.

Jesse D. Sharp to be postmaster at Elm City, Wilson County, N. C.

James E. Smith to be postmaster at Kittrell, Vance County, N. C.

## OHIO.

J. W. Bryson to be postmaster at Glouster, Athens County, Ohio.

Mary S. Hill to be postmaster at Berlin Heights, Erie County, Ohio.

Nellie F. Sheridan to be postmaster at Somerset, Perry County, Ohio.

## OREGON.

Marion F. Davis to be postmaster at Union, in the county of Union and State of Oregon.

Ione McColl to be postmaster at Gresham, Multnomah County, Oreg.

George W. Spring to be postmaster at Lents, Multnomah County, Oreg.

William E. Tate to be postmaster at Wasco, Sherman County, Oreg.

William M. Yates to be postmaster at Hood River, Wasco County, Oreg.

## WASHINGTON.

William H. Shoemaker to be postmaster at Hillyard, Spokane County, Wash.

## WEST VIRGINIA.

James B. Campbell to be postmaster at New Cumberland, Hancock County, W. Va.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 12, 1908.

The House met at 12 o'clock m.

The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.:

We thank Thee, our Father in heaven, that our Republic is not ungrateful, but that she honors herself in keeping sacred the memory of her illustrious sons who, in peace and in war, gave themselves, a living sacrifice, to her honor and glory; that to-day throughout the length and breadth of our Union her patriotic sons and daughters will meet to pay a loving tribute of gratitude and respect to Abraham Lincoln, the savior of his country—strong in his intellectual powers, pure, tender, loving of heart, a patriot, a statesman, a Christian, the marvel of his age. We thank Thee for him, for what he was, and for what he did; and we most earnestly pray that we may strive to emulate his virtues and leave behind us a record worthy in Christian citizenship. And Thine be the praise through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

## INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PERKINS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

Mr. SHERMAN. Mr. Chairman, as I recollect it, when we rose yesterday a point of order was pending against lines 10 to 13 on page 52. I assume the point of order is not well taken, but as a further inducement to the gentleman from Illinois to withdraw his point of order, I desire to have an amendment read which, when the point of order is disposed of, I propose to offer in lieu of this section. I now ask the Clerk to read it simply for information.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For continuing the work of constructing an irrigation system within the diminished Shoshone and Wind River Reservation, in Wyoming, \$125,000: *Provided*, That said sum be reimbursed to the Treasury of the United States from the sale of lands made under the provisions of the act of March 3, 1905. (33 Stat. L., p. 1616.)

Mr. MANN. May I ask the gentleman a question? As I understand, the amendment absolutely safeguards the interests of the Government and will provide that no portion of this money in the end comes out of the General Treasury?

Mr. SHERMAN. That is the intention, Mr. Chairman, but I think I need to make a brief explanation in reference to that.